

RULEMAKING NOTICE FORM

Notice Number 2009-22 Rule Number He-C 6910

1. Agency Name & Address:

**NH Department of Health & Human Services
Division of Children, Youth & Families
129 Pleasant Street
Concord, NH 03301**

2. RSA Authority: RSA 167:83, II(o)

3. Federal Authority: N/A

4. Type of Action:

Adoption X

Amendment

Repeal X

Readoption

Readoption w/amendment X

5. Short Title: **Employment-Related Child Care**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Eligible families who are either receiving financial assistance from DHHS under the Financial Assistance to Needy Families (FANF) program or whose income is less than or equal to 250% of the Federal Poverty Guidelines (FPG) levels and who are determined eligible for assistance at 190% or less of the FPL may require child care scholarship assistance to enable them to prepare for, secure, or maintain employment.

He-C 6910 establishes the eligibility criteria for child care scholarship, the provider requirements for payment of child care scholarship, and the payment methodology for child care scholarships.

Changes to the rule include those that reorganize the rule's structure, update and clarify the rule's language, and generally improve program integrity, as well as the following program changes:

- **Families will continue to be determined eligible up to 190% of the federal poverty guidelines (FPG), but they now may remain eligible up to 250% FPG.**
- **He-C 6910.17 describes a methodology for determining a standard payment to child care providers for scholarship families based on a federally required market rate survey (MRS) of New Hampshire licensed child care centers and licensed family child care home rates. Payments will now be paid weekly based on provider type, child's age, and authorized level of service.**
- **He-C 6910.18 sets forth a redesign of the cost share, which will be a portion of the standard weekly payment that will be charged to parents based on family size and income. The new methodology will provide for a gradual step down from scholarship assistance in seven steps, and now applies to recipients of 12-month extended medical assistance.**
- **In addition the disability differential payment is increased from a daily rate to a weekly amount based on the authorized level of service.**

6. (b) Brief description of the groups affected:

The proposed rule affects families who receive child care scholarships from the department, which assist families with child care while employed or while engaged in related activities through the New Hampshire Employment Program (NHEP).

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State or Federal Statutes or Regulations the Rule Implements
He-C 6910.01	RSA 161:2, XII; RSA 167:83, I(b) and RSA 167:83, II(o)
He-C 6910.02	RSA 167:77, V(e)
He-C 6910.03	RSA 161:2, XII; RSA 167:58, IV; RSA 167:83, I(b); RSA 167:83, II(o)
He-C 6910.04	RSA 167:79, III(d)-(g); RSA 167:83, II(o)
He-C 6910.05	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:82, VI; RSA 167:83, II(o)
He-C 6910.06	RSA 167:83, II(c) and (o)
He-C 6910.07	RSA 167:85; RSA 167:88; RSA 167:90; RSA 167:91
He-C 6910.08	RSA 167:83, II(c) and (o)
He-C 6910.09	RSA 167:79, V(b); RSA 167:82, VI; RSA 167:83, II, II(c)(e)(m)
He-C 6910.10	RSA 167:83, I(b)
He-C 6910.11	RSA 167:83, II(b); RSA 167:83, III(h)
He-C 6910.12	RSA 167:83, II(c) and (o)
He-C 6910.13	RSA 167:83, II(o)
He-C 6910.14	RSA 167:83, II(d)
He-C 6910.15	RSA 167:83, II(o)
He-C 6910.16	RSA 167:83, II(c) and (o)
He-C 6910.17	RSA 161:2, XII; RSA 167:83, II
He-C 6910.18	RSA 161:2, XII; RSA 167:83, II
He-C 6910.19	RSA 167:83, II(o)
He-C 6910.20	RSA 161:2, XII; RSA 167:83, II(o); RSA 167:83, III(g); RSA 170-E:3-a; RSA 170-E:4, II; RSA 170-E:7; RSA 170-E:12
He-C 6910.21	RSA 167:83, II(o)
He-C 6910.22	RSA 161:2, XV; RSA 167:17-b, I(a); RSA 167:17-c; RSA 167:58, IV; RSA 167:61-a, I(a)-(c) and (e); RSA 167:83, II(k); RSA 170-E:7; RSA 170-E:12, V
He-C 6910.23	RSA 167:83, II(a); RSA 541-A:31, I and II
He-C 6910.24	RSA 167:83, II(i)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Michael Holt	Title:	Rules Coordinator
Address:	DHHS, Administrative Rules Unit 129 Pleasant Street Concord, NH 03301	Phone #:	271-4966
		Fax#:	271-5590
		E-mail:	michael.holt@dhhs.state.nh.us

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/DHHS/ADMINRULEMAKING/default.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, March 27, 2009**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, March 17, 2009 at 2:30 PM**

Place: **129 Pleasant St., Brown Building, Auditorium, Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:016 , dated 2/05/09

Fiscal Impact Statement for Department of Health and Human Services rules governing Employment-Related Child Care. [He-C 6910]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs to certain state citizens, and decrease revenue to certain independently owned businesses by an indeterminable amount.

2. Cite the Federal mandate. Identify the impact of state funds:

There is no federal mandate for the proposed rule beyond what is currently included in the existing rule. The Federal Child Care and Development (CCDF) State Plan will remain in compliance with regulations 45 CFR 98.43(c) and 45 CFR 98.42(b). Compliance with CCDF regulations is a requirement for the approval of the Federal State Plan and receipt of the CCDF block grant moneys.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

He-C 6910.18 sets forth a redesign of the cost share, which will be a portion of the standard weekly payment that will be charged to parents based on family size and income. The financial impact to a family will depend on the family size and income. The smaller families with higher incomes will be responsible for a higher cost share amount. The new methodology will provide for a gradual step down from scholarship assistance. Compared to the current methodology, the new cost share determination will result in approximately 4,207 families under 100% of Federal Poverty Guidelines (FPG) going from paying no cost share to a nominal cost share (on average \$3.40 per week); 2,378 families earning 101% to 140% of the FPG will experience a slight decrease in cost share; 2,103 families earning 141% to 190% of the FPG will experience an increase in cost share; and families earning 191% to 250% of the FPG will generally have the same cost share.

C. To Independently owned businesses:

He-C 6910.17 describes a methodology for determining a standard weekly payment to child care providers for scholarship families. The payment will be established by utilizing a federally required market rate survey (MRS) of New Hampshire licensed child care centers and licensed family child care home rates. Standard weekly rates for full time eligibility will be proportioned for half time and part time child care eligibility. The new payment methodology will result in a weekly payment decrease for 1,821 license-exempt child care providers serving approximately 4,396 children. The new methodology will reflect a reduced rate for these license-exempt child care providers who do not incur additional cost associated with licensing requirements. In addition, 102 licensed family child care homes serving approximately 553 children will receive a decrease in weekly payment to reflect the findings of the MRS. Payments to child care providers serving children 79 to 155 months of age will also decrease to reflect the MRS. The proposed rules will also increase supplemental payments paid for a child with a disability from \$4 per day to \$50 for full time, \$30 for half time, and \$15 for part time eligibility per week. The change is intended to increase the resources needed for providers to access consultants, equipment and environment accessibility in order to achieve the desired outcomes.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule creates a new program or responsibility, and expands and modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Readopt with amendment He-C 6910.01, 6910.02, 6910.04, and 6910.07, effective 7/1/02 (document #7723); readopt with amendment He-C 6910.03 and 6910.06, effective 7/1/02 (document #7723) as amended effective 6/21/05 (document #8377); readopt with amendment He-C 6910.05, effective 7/1/02 (document #7723), as amended effective 8/23/03 (document # 7939), as amended 6/21/05 (document #8377); readopt with amendment He-C 6910.09, effective 1/17/09 (document #9363); adopt new He-C 6910.10; readopt with amendment He-C 6910.10, 6910.12, 6910.14, and 6910.19, effective 7/1/02 (document #7723) and renumber as He-C 6910.11, He-C 6910.13, He-C 6910.15, and He-C 6910.21, respectively; readopt with amendment He-C 6910.11, 6910.13, and 6910.21, effective 7/1/02 (document #7723), as amended effective 6/21/05 (document #8377), and renumber as He-C 6910.12, He-C 6910.14, and He-C 6910.23, respectively; readopt with amendment He-C 6910.15, effective 1/17/09 (document #9363), and renumber as He-C 6910.16, He-C 6910.17, and He-C 6910.18; readopt with amendment He-C 6910.16, effective 7/1/02 (document #7723), as amended effective 6/21/05 (document #8377), and renumber as He-C 6910.19; repeal He-C 6910.17, effective 7/1/02 (document #7723); readopt with amendment He-C 6910.18, effective 7/1/02 (document #7723), as amended effective 8/23/03 (document # 7939), as amended effective 6/21/05 (document #8377), and renumber as He-C 6910.20; readopt with amendment He-C 6910.20, effective 6/21/05 (document #8377), and renumber as He-C 6910.22; and readopt with amendment He-C 6910.22, effective 7/1/02 (document #7723) and renumbered effective 6/21/05 (document #8377), and renumber as He-C 6910.24; to read as follows:

CHAPTER He-C 6900 CHILD CARE PROGRAM

~~PART He-C 6910 EMPLOYMENT RELATED CHILD CARE~~

~~Statutory Authority: RSA 161:2, XII, RSA 167:83, I(b) and RSA 167:83, II(e)~~

~~He-C 6910.01 Purpose. The purpose of this part is for the department of health and human services (DHHS), through the division for children, youth, and families (DCYF) to:~~

~~(a) Establish the eligibility criteria for child care assistance which enables families to prepare for, secure, or maintain employment if those families meet and continue to meet the program requirements of He-C 6910;~~

~~(b) Establish provider requirements for payment for child care assistance on behalf of eligible families; and~~

~~(c) Establish the payment amounts for child care assistance.~~

~~He-C 6910.02 Scope. This part shall apply to families who require child care assistance and who are either receiving financial assistance from DHHS under the Temporary Assistance to Needy Families (TANF) program as described in He-W 602.02(a), or whose income is less than or equal to 190% of the poverty level as described in He-C 6910.05(b), and to the providers who receive payment for child care services on behalf of these families.~~

~~He-C 6910.03 Definitions.~~

~~(a) "Applicant" means a parent, caretaker relative or legal guardian of a child(ren) who applies for child care assistance.~~

~~(b) "Assistance group" means the individuals who are residing in the same household whose needs and income are considered and combined together when determining eligibility and the amount of assistance for child care.~~

~~—— (c) "Caretaker relative" means a specified relative who is not the biological parent of a child(ren), but is providing care and supervision of the child(ren) in the assistance group.~~

~~—— (d) "Child care" means meeting a child's need for supervision, food, activity and rest in order to assist a parent(s), caretaker relative, or legal guardian in preparing for, securing, or maintaining employment or employment-related education or training.~~

~~—— (e) "Child care assistance" means reimbursement to a provider of child care services on behalf of a family which meets the eligibility criteria of He C 6910.~~

~~—— (f) "Child with a disability" means a child through the age of 17 who has a verified developmental, educational or medical disability.~~

~~—— (g) "Contract agency" means a licensed facility that has a written agreement with DCYF to provide child care services and to determine eligibility for child care assistance.~~

~~—— (h) "District office (DO)" means one of the 12 New Hampshire regional offices of DHHS where families may apply for child care assistance provided by DHHS.~~

~~—— (i) "Eligibility period" means the time for which a family is determined eligible to receive child care assistance.~~

~~—— (j) "Employment-related activities" means "employment-related activities" as defined in RSA 167:78, IX, namely "participation in an activity that is designed to assist participants to enter, reenter, or remain in the workforce".~~

~~—— (k) "Enrollment" means that a child care provider has met the requirements found in He C 6910.18 and is authorized to receive payment for services from DHHS.~~

~~—— (l) "Family" means a child(ren) and an adult(s) who reside in the same household and who have a birth, foster, step, adoptive or legal guardianship relationship.~~

~~—— (m) "Fraud" means "fraud" as defined in RSA 167:58, IV.~~

~~—— (n) "Full time" means more than 6 hours of child care per day.~~

~~—— (o) "Gross monthly income" means total monthly moneys received before taxes and other deductions are applied.~~

~~—— (p) "Job search" means that an individual is actively seeking employment by contacting employers and participating in other job-seeking activities directed toward obtaining employment.~~

~~—— (q) "Leave of absence" means a temporary absence from work, training or education of 6 weeks or less due to medical reasons.~~

~~—— (r) "Legal guardian" means an individual, who is not a specified relative of a child(ren), who is given legal authority by a court and charged with the duty to provide care, custody and supervision of a child(ren).~~

~~—— (s) "Licensed" means a child care provider who has been issued a license to operate by the commissioner of DHHS, in accordance with RSA 170-E.~~

~~—— (t) "License exempt" means a child care provider who is not required to be licensed, in accordance with RSA 170-E.~~

~~—— (t) “NH Bridges” means the computer software system used by DHHS to record provider enrollment and child care assistance payments.~~

~~—— (u) “NHEP” means the New Hampshire employment program administered by DHHS in accordance with RSA 167:78 through RSA 167:92.~~

~~—— (v) “Non contract provider” means a provider of child care services who does not have, nor does not meet the qualifications for, a written agreement with DCYF as described in He C 6910.18.~~

~~—— (w) “Notice of decision” (NOD) means a computer generated, typed or handwritten notice which advises families and providers of the results of eligibility determinations, or other changes in child care assistance.~~

~~—— (x) “Parent” means an individual who has a birth, adoptive, or step parent relationship to a child(ren).~~

~~—— (y) “Parent with a disability” means a parent who is unable to participate in employment related activities and/or to care for and supervise his/her child(ren) because of physical or mental impairment, disease, or a combination of these conditions.~~

~~—— (z) “Part time” means 6 hours or less of child care per day.~~

~~—— (aa) “Provider” means an individual, public or private organization supplying child care services to the family.~~

~~—— (ab) “Recipient” means a family, or a member of a family, who is receiving child care assistance from DHHS.~~

~~—— (ac) “Redetermination” means a scheduled review of a recipient’s eligibility for services, and includes verification of all aspects of eligibility~~

~~—— (ad) “Specified relative” means any of the individuals listed in RSA 167:78, XXIII with whom an eligible child lives.~~

~~—— (ae) “Termination” means the discontinuance of child care assistance received by an assistance group when the conditions of eligibility for receipt of the assistance are no longer met.~~

~~—— He C 6910.04 Application for Child Care Assistance.~~

~~—— (a) An application for child care assistance shall be made either at a DO or at the contract agency where child care services are being provided for the applicant’s child(ren).~~

~~—— (b) The applicant shall complete an application and participate in a face to face interview as described in RSA 167:79, III(g).~~

~~—— (c) The following information shall be provided by the applicant at the time of application for each member of the assistance group:~~

~~(1) His/her full name, including maiden name, if applicable, and any other names used previously;~~

~~(2) His/her date and place of birth;~~

~~(3) His/her social security number;~~

~~(4) His/her address, current and previously for the past 2 years;~~

- ~~(5) A description of the current living arrangements, such as whether the family lives in a home of its own, with a relative(s) or others, are homeless, or if the child(ren) living with him/her is a foster child;~~
- ~~(6) The telephone number(s) at which he/she can be reached;~~
- ~~(7) Whether he/she ever received child care assistance from DHHS previously including the following:

 - ~~a. The type of assistance received;~~
 - ~~b. The time period in which assistance was received; and~~
 - ~~c. From which DO or contract agency the assistance was received;~~~~
- ~~(8) The reason for requesting assistance at the time the application is made; and~~
- ~~(9) The total amount of gross income from all sources, or net income if self-employed as described in He C 6910.05(d).~~
- ~~—— (d) The applicant shall indicate at the time of application the current child care arrangements including:

 - ~~(1) The name of the provider;~~
 - ~~(2) The cost of care; and~~
 - ~~(3) Whether the provider is licensed or license exempt.~~~~
- ~~—— (e) The applicant shall indicate at the time of application any circumstances that he/she anticipates might occur during the next 6 months which could affect eligibility, such as, changes in income, living arrangements, expenses, or provider(s).~~
- ~~—— (f) The application shall be signed by the applicant and the DO or contract agency staff who completed the interview.~~
- ~~—— (g) The applicant shall be given the forms at the interview for provider enrollment and registration, complete the information required of him/her on the forms as described in He C 6910.18(f)–(i), sign and return the forms in accordance with He C 6910.18(k).~~
- ~~—— (h) The contract agency shall complete Form 246, Contract Agency Authorization:

 - ~~(1) At the time of application;~~
 - ~~(2) At the time of redetermination;~~
 - ~~(3) Whenever a change is made to a recipient's eligibility;~~
 - ~~(4) To authorize child care assistance for a family; or~~
 - ~~(5) To notify DHHS of the outcome of an application or redetermination.~~~~
- ~~—— (i) Upon the completion of Form 246, the contract agency shall submit it to:~~

Department of Health and Human Services
Office of Finance
Bureau of Data Management
P.O. Box 2000
Concord, NH 03301.

—(j) Form 246 shall contain the following information and signature(s):

- (1) The name and address of the applicant/recipient;
- (2) The marital status, ethnic group and primary language of the applicant/recipient;
- (3) The effective date of the eligibility period;
- (4) The date of application or redetermination, if applicable;
- (5) The reason for the completion of the Form 246, which shall be one of the following:
 - a. Eligibility for child care assistance for the family has been determined;
 - b. There was a change in family circumstances which changed the eligibility of the family for child care assistance;
 - c. The contract agency completed a redetermination of the family's eligibility;
 - d. The child care eligibility has ended and the reason; or
 - e. The child care assistance application has been denied and the reason for the denial;
- (6) The last name, first name and middle initial of each assistance group member and his/her relationship to the applicant/recipient;
- (7) The social security number of each assistance group member in accordance with RSA 167:79, III(e);
- (8) The gender of each assistance group member;
- (9) The date of birth of each assistance group member;
- (10) Whether a verification of disability for any assistance group member was submitted to the contract agency;
- (11) An indication of whether the individual is a child, and if so, the following information about the child:
 - a. Whether the child is to be included in the child care assistance payment;
 - b. The citizenship of the child; and
 - c. Indication that the child is a resident of New Hampshire;
- (12) The name and address of the applicant/recipient's employer or training organization;
- (13) The total gross monthly income for the family;
- (14) The name of the contract agency completing the form;

- ~~(15) The contract agency's NH Bridges resource identification number, as described in He-C 6910.18;~~
- ~~(16) The name of the contact person for the contract agency and his/her telephone number; and~~
- ~~(17) The signature of the person who is authorized by the contract agency to complete and sign the form.~~
- ~~—— (k) A new application for child care assistance shall not be necessary when a family is no longer eligible for TANF financial assistance due to new or increased earnings or hours of employment and was receiving child care assistance at the time that the family became ineligible for TANF.~~
- ~~—— He-C 6910.05 Financial Eligibility Requirements.~~
- ~~—— (a) To be financially eligible for child care assistance, a family shall:~~
 - ~~(1) Be receiving TANF financial assistance from DHHS, whether participating in NHEP or exempt from participation in NHEP in accordance with He-W 637.04;~~
 - ~~(2) Be receiving TANF-related medical assistance as described in RSA 167:82, VI;~~
 - ~~(3) Have applied for TANF financial assistance but have not yet been approved and the applicant is participating in a job search; or~~
 - ~~(4) Meet the gross income limit described in (b) below.~~
- ~~—— (b) Families shall be determined income eligible for child care if their gross monthly income for the appropriate family size does not exceed 190% of the "Poverty Income Guidelines for All States (except Alaska and Hawaii) and the District of Columbia" published in the Federal Register.~~
- ~~—— (c) All sources of gross income shall be counted when determining financial eligibility and rate of payment for child care, except those specified below:~~
 - ~~(1) The income of any grandparent, when 3 generations are living in one household;~~
 - ~~(2) Foster care payments;~~
 - ~~(3) Adoption subsidies;~~
 - ~~(4) Any educational assistance, student loans, or scholarships used to cover educational expenses, such as tuition and mandatory fees, books, and school-related travel;~~
 - ~~(5) The income of a caretaker relative or a legal guardian and his or her spouse, unless the caretaker relative or legal guardian is also applying for child care assistance for his/her own child(ren), in which case his/her income and the income of his/her spouse shall count in the determination of eligibility for all of the child(ren);~~
 - ~~(6) Money received from Americorp Volunteers in Service to America(VISTA); or~~
 - ~~(7) Earned income from a dependent child(ren), as defined in He-W 601.55, who is a full-time student attending primary or secondary school or equivalent pursuant to RSA 167:80, IV(b).~~

~~(d) For self employment, countable income to determine eligibility shall be the net income from sales, services or other business activities, after deducting business expenses, including depreciation, allowed by the Internal Revenue Service (IRS) for federal income tax purposes.~~

~~—— (e) Resources, as defined in He W 601.146, shall not be counted when determining financial eligibility and rate of payment for child care.~~

~~—— He C 6910.06 Non Financial Eligibility Requirements.~~

~~—— (a) To be eligible for child care assistance, the child shall reside in the same dwelling as the applicant seeking assistance.~~

~~—— (b) Each child for whom child care assistance is requested shall be:~~

~~(1) A resident of the state of New Hampshire;~~

~~(2) A United States (US) citizen or a non citizen who meets the criteria for non citizenship as described in He C 6910.08(e); and~~

~~(3) Less than 13 years of age, except when the child meets the criteria for a child with a disability as described in (c) below.~~

~~—— (c) A child age 13 or over shall not be eligible for child care assistance, except when the child, through the age of 17, has a verified physical and/or mental condition which limits the child's ability to care for himself/herself, or he/she would cause harm to himself/herself or others without supervision as verified in accordance with He C 6910.08(g).~~

~~—— (d) Each applicant requesting child care assistance shall be engaged in one or more of the following:~~

~~(1) Employment;~~

~~(2) Actively seeking employment through job search;~~

~~(3) For those families who are without permanent housing, such as, but not limited to, living in a homeless shelter, actively seeking employment and housing on the same day, subject to the verification requirements of He C 6910.08(o);~~

~~(4) Participating in training or education which is preparatory to employment, including any internet training or education, subject to the limitations found in He C 6910.11; or~~

~~(5) Participating in one or more NHEP activities as described in He W 637.~~

~~—— (e) To be considered employed, an applicant shall be receiving payment for his/her work, unless on a verified medical leave of absence of 6 weeks or less subject to the verification requirements of He C 6910.08(l).~~

~~—— (f) To be eligible for child care assistance when both parents reside with a child(ren) the following shall apply:~~

~~(1) Both parents shall comply with (d) above; or~~

~~(2) One parent shall comply with (d) above and the other shall qualify as a parent with a disability in accordance with He C 6910.08(h).~~

~~—— (g) When an individual is employed solely as a license exempt child care provider, there shall be no eligibility for child care assistance for his/her child(ren) who reside with him/her.~~

~~He C 6910.07 Additional Eligibility Requirements for Participants of NHEP.~~

~~(a) Families in which an adult member is required to participate in NHEP shall be eligible for child care assistance if the adult is:~~

~~(1) In compliance with the provisions of He W 637; or~~

~~(2) Participating in one or more approved NHEP activities, as described in He W 637.15 through He W 637.24, and as identified in his/her employability plan as described in He W 637.12(c).~~

~~(b) NHEP participants shall also be eligible for child care assistance when receiving the following:~~

~~(1) Services identified in He W 637.05; and~~

~~(2) Services provided by community agencies while engaged in barrier resolution activities as described in He W 637.18 and as identified in his/her employability plan.~~

~~He C 6910.08 Verification Requirements. In order for an application to be approved, the applicant shall supply verification of eligibility requirements as follows:~~

~~(a) The name of all members of the assistance group shall be verified by one or more of the following documents:~~

~~(1) His/her birth certificate;~~

~~(2) His/her marriage certificate;~~

~~(3) His/her divorce decree, if the name to be used subsequent to a divorce is changed;~~

~~(4) His/her driver's license or other identification which contains a picture of the individual;
or~~

~~(5) For a legal name change, the court documentation showing the legal name of the person and the date the name change took effect;~~

~~(b) The date and place of birth of each member of the assistance group shall be verified by one or more of the following documents:~~

~~(1) His/her birth certificate;~~

~~(2) His/her baptismal certificate; or~~

~~(3) His/her US passport;~~

~~(c) When a person was not born in the US but who has either become a US citizen or has been lawfully admitted to the US, one or more of the following documents shall be submitted to confirm date and place of birth and citizenship status:~~

~~(1) His/her birth record;~~

~~(2) His/her certificate of citizenship or naturalization; or~~

~~(3) The following US Immigration and Naturalization(INS) forms or documentation:~~

~~a. INS Form I-551, Permanent Resident card;~~

~~b. INS Form I 327, Re-entry Permit;~~

~~c. INS Form I 94, Arrival-Departure Record, stating that the person has been admitted to the US as a refugee under Section 207(c) of the Immigration and Nationality Act;~~

~~d. INS Form I 94, Arrival-Departure Record, stating that the person has been admitted to the US as an asylee under Section 208 of the Immigration and Nationality Act; or~~

~~e. Documentation from INS that the person has lawful temporary or permanent resident status under Section 201 or 302 of the Immigration Reform and Control Act;~~

~~(d) The relationship of any adult in the assistance group to the child(ren) in the assistance group shall be verified by one or more of the following:~~

~~(1) The child's birth record containing the name(s) of his/her parent(s);~~

~~(2) The adult's birth record containing the name(s) of his/her parent(s);~~

~~(3) A marriage certificate containing the names of the parties who were married, including any maiden or previous names used;~~

~~(4) Any additional birth or marriage records necessary to show the relationship of the child(ren) to the adult(s) in the assistance group;~~

~~(5) For a legal guardian, the court documentation indicating the relationship of the adult to the child as that of a legal guardian; or~~

~~(6) For a caretaker relative, one or more of the following documentation:~~

~~a. A court order giving the caretaker relative the duty of care, custody and supervision of the child;~~

~~b. A document showing power of attorney for the child(ren) by the caretaker relative with whom the child(ren) lives; or~~

~~c. A statement from the child's parent(s) that the caretaker relative is the individual who shall provide care and supervision for the child on his/her behalf;~~

~~——(e) To verify address, both current and for the previous 2 years, any of the following verifications shall be acceptable:~~

~~(1) Rental receipts which show the address of the family for the past 2 years;~~

~~(2) If the home is owned, the deed or mortgage receipts which indicate the address of the family for the past 2 years;~~

~~(3) Utility or telephone bills which show the address of the family for the past 2 years; or~~

~~(4) A statement from the landlord(s) for the past 2 years which indicates the address of the family, how long the family has resided at that address, and the names of all residents at that address;~~

~~——(f) Gross monthly income of all members of the assistance group shall be verified by one or more of the following:~~

- ~~(1) His/her pay stubs for the most current 4 weeks;~~
 - ~~(2) A statement from his/her employer indicating the gross amount of pay received for the most current 4 weeks, or if employed less than 4 weeks:

 - ~~a. The gross amount of pay received to date;~~
 - ~~b. The actual hourly rate of pay, or if a salary employee, the amount of salary per month;~~
 - ~~c. The actual number of hours of work per week;~~
 - ~~d. If any commissions or tips are received, an estimation of the amount of the commission or tips per week or month; and~~
 - ~~e. Any anticipated changes in hours worked, or hourly rate of pay within the next 6 months;~~~~
 - ~~(3) For self-employment, the individual's current records of business receipts and expenses, including the last IRS tax filing, if filed;~~
 - ~~(4) The amount of any unearned income, as defined in He W 601.176, received per month verified by one or more of the following:

 - ~~a. A copy of the check(s) or a check stub(s) for the most current 4 weeks; or~~
 - ~~b. Documentation from the organization making the payment to the individual indicating the amount of income received and how often; and~~~~
 - ~~(5) Any contributions of moneys to the family from any source, verified by a statement from the contributor which indicates the amount, frequency, and expected end date of the contribution;~~
- ~~—— (g) Acceptable verification for child care assistance for a child with a disability over the age of 13 shall be a signed and dated statement from a physician or licensed mental health professional indicating:~~
- ~~(1) The child's condition; and~~
 - ~~(2) Specifying the child's need for supervision;~~
- ~~—— (h) Acceptable verification for child care assistance when an adult wishes to claim that he/she is a parent with a disability shall be a signed and dated statement from a physician or licensed mental health professional indicating:~~
- ~~(1) The medical condition, disease, or disability of the adult;~~
 - ~~(2) The expected duration of the condition, disease or disability; and~~
 - ~~(3) That the adult is unable to work and/or care for and supervise his/her child(ren) because of the condition, disease or disability;~~
- ~~—— (i) For those individuals who are not NHEP participants, but who are in a training or education program, including any internet training or education programs, the acceptable verification regarding the training or education shall be a signed and dated statement from the school or training organization indicating:~~
- ~~(1) That the individual is enrolled in the program;~~

~~(2) That the program shall lead to a degree or certificate;~~

~~(3) The length of the program; and~~

~~(4) The class schedule;~~

~~—— (j) An individual may claim additional hours for payment for child care assistance when:~~

~~(1) Working a night shift job as described in He C 6910.09(d)(9)b.; or~~

~~(2) Participating for more than 12 hours per day in one or more employment related activities, except job search, or in an education or training program, or any combination of these, which total more than 12 hours;~~

~~—— (k) Acceptable verification for claiming additional hours as described in (j) above, shall be:~~

~~(1) For a night shift employee, a signed and dated statement from the individual's employer, or, if self employed, the individual's customer, stating the hours of the shift that the individual works each week; or~~

~~(2) For individuals who qualify in accordance with (j)(2) above, a signed and dated statement from the business(es) or institution(s) that verifies the hours of participation for that individual, even if the individual is self employed;~~

~~—— (l) If an individual is on a medical leave of absence from work, the following verifications shall be required:~~

~~(1) A signed and dated statement from the employer stating that the employer has approved the leave of absence and that the individual shall be able to immediately return to his/her job at the end of the leave of absence; and~~

~~(2) A signed and dated statement from a physician or licensed mental health professional describing the reason for the leave of absence and that the expected duration of the leave shall not exceed 6 weeks;~~

~~—— (m) If an individual is on a medical leave of absence from a training or education program, the following verifications shall be required:~~

~~(1) A signed and dated statement from the institution where the individual attends the training or educational program stating that the leave of absence is approved and that the individual shall be able to immediately re-enter the training or educational program at the end of the leave of absence; and~~

~~(2) A signed and dated statement from a physician or licensed mental health professional describing the reason for the leave of absence and that the expected duration of the leave shall not exceed 6 weeks;~~

~~—— (n) Acceptable verification that an individual in the assistance group is participating in job search shall be a signed and dated statement from a public or private employment agency stating that the individual is registered for the purpose of seeking employment;~~

~~—— (o) Acceptable verification that an applicant or recipient is seeking employment and housing on the same day shall be the same as in (n) above and a statement from the director or head of the homeless shelter or temporary housing indicating what attempts to locate housing the applicant or recipient has~~

~~made. Temporary housing shall not be living with relatives or friends on a temporary basis, but be any other non-permanent living arrangement;~~

~~—— (p) To be eligible for a supplemental payment for a child with a disability as described in He-C 6910.09(d)(9)a., the disability shall be verified on Form 2628, Verification for a Child with a Disability, as described in (q) below by either:~~

- ~~(1) An area agency for family centered support(s) through early supports and services;~~
- ~~(2) The child's school district or special education services; or~~
- ~~(3) The child's physician, psychologist or licensed social worker therapist; and~~

~~—— (q) The following information and signatures shall be required on Form 2628 by one of the individuals listed in (p) above:~~

- ~~(1) The type of disability the child has, such as medical, physical, developmental or emotional;~~
- ~~(2) The diagnosis of the child's disability;~~
- ~~(3) Whether the child's condition is permanent, and if not, the expected duration;~~
- ~~(4) Whether the licensed physician, psychologist or social worker signing the form has treated the child;~~
- ~~(5) A listing of the name of each provider of disability services for the child;~~
- ~~(6) The signature of a licensed physician, psychologist or social worker, the date signed, and certification that the individual signing is licensed;~~
- ~~(7) When the form is completed by the child's school district special education director or an area agency director, the signer shall also indicate whether the child has a current individualized education plan as defined in Ed 1102.27 and RSA 186-C:2, III, or a current individualized family service plan for a child under age 3 as defined in Ed 1102.29;~~
- ~~(8) The signature of the school district's special education director or the area agency director, the date signed and certification that the individual signing is the school district's special education director or the area agency director;~~
- ~~(9) The signature of the parent, caretaker relative or legal guardian and date of signature; and~~
- ~~(10) The certification by signature of the individual(s) listed in (9) above that he/she is authorizing the verification of and release of information on the child by the individuals listed in (6) or (8) above to DHHS; and~~

~~—— (r) When an application is made at a contract agency, acceptable verification of participation in and compliance with the provisions of NHEP shall be:~~

- ~~(1) A copy of the approved employability plan as described in He W 637.12; or~~
- ~~(2) A statement from the NHEP representative, as defined in He W 637.01(o), certifying the applicant's participation in and compliance with the provisions of the NHEP program.~~

~~—— He C 6910.09 Eligibility Determination and Length of Time.~~

~~—— (a) When an application has been made in accordance with He C 6910.04 and all required verification has been submitted as described in He C 6910.08, the DO or contract agency where the application was filed shall make a determination of eligibility for child care assistance.~~

~~—— (b) If at the time of the application interview, not all required verifications have been submitted, the DO or contract agency staff shall give the applicant a written notice listing the verification(s) which are still required to determine eligibility.~~

~~—— (c) The notice in (b) above shall state that the applicant must submit the required verification(s) to the DO or the contract agency within 10 calendar days of the date of the notice, or the application shall be denied.~~

~~—— (d) An eligibility determination for child care assistance shall be made within 30 days of the date of application.~~

~~—— (e) Eligibility for child care assistance shall be determined by the DO or contract agency as follows:~~

~~(1) Determine the assistance group composition which shall include all of the following individuals residing in the same dwelling:~~

~~a. All children, who have a biological, foster, step, or adoptive relationship, up to the age of 20 if attending primary or secondary school or equivalent pursuant to RSA 167:80, IV(b), except any child(ren) over age 18 who is no longer enrolled in high school or its equivalent; and~~

~~b. Any adult who has a biological, foster, step, adoptive, caretaker relative, or legal guardianship relationship to any child in a. above;~~

~~(2) An applicant shall comply with the following or the family shall be determined not eligible for child care assistance and the application denied:~~

~~a. The applicant shall be engaged in one of the activities listed in He C 6910.06(d); or~~

~~b. The applicant shall meet the criteria for a parent with a disability as described in He C 6910.08(h);~~

~~(3) When 2 parents live together in the same assistance group, both shall comply with He C 6910.06(f) or the family shall not be eligible for child care assistance and the application denied;~~

~~(4) When an applicant is a NHEP participant, he/she shall be eligible under He C 6910.07(a) or (b), or the family shall not be eligible for child care assistance and the application denied;~~

~~(5) A family shall be determined financially eligible for child care assistance if the family meets the criteria of He C 6910.05(a)(1) (3), or, if a family meets the criteria of He C 6910.05(a)(4) as follows:~~

~~a. Determine the family size which shall be the same number as members in the assistance group;~~

~~b. The gross monthly income of the assistance group shall be calculated by adding together all assistance group members' gross monthly earned and unearned income, except for:~~

- ~~1. Income specifically excluded in He-C 6910.05(e);~~
 - ~~2. Self employment income, which shall be added as net income as described in He-C 6910.05(d); and~~
 - ~~3. Income of a TANF related medical assistance recipient as described in He-C 6910.05(a)(2); and~~
- ~~e. Compare the result obtained in b.2. above, using the appropriate family size as determined in a above, to the gross monthly income amount described in He-C 6910.05(b) as follows:~~
- ~~1. If the assistance group's total gross monthly income does not exceed the gross monthly income amount described in He-C 6910.05(b), then the family shall be determined financially eligible for child care assistance; or~~
 - ~~2. If the assistance group's total gross monthly income does exceed the gross monthly income amount described in He-C 6910.05(b) for the appropriate family size, the family shall be determined not financially eligible for child care assistance and the application shall be denied;~~
- ~~(6) If the assistance group meets the non financial and financial requirements described in (1)-(5) above, then the application shall be approved;~~
- ~~(7) A child shall be excluded from the payment for child care assistance if he/she does not meet either:~~
- ~~a. The citizenship criteria of He-C 6910.08(b) or (c);~~
 - ~~b. The age criteria of He-C 6910.06(b)(3) or (c); or~~
 - ~~c. The child with a disability criteria of He-C 6910.08(g);~~
- ~~(8) If the application is approved, the rate of child care assistance shall be one of 3 payment steps as shown in He-C 6910.15 and determined as follows:~~
- ~~a. Recipients of TANF financial assistance shall receive Step 1 rates;~~
 - ~~b. As funding and resources allow, recipients of NHEP related categorically needy medical assistance, as described in He-W 602.04(b)(1), shall receive Step 1 rates;~~
 - ~~c. Recipients of 12 month extended medical assistance, as described in He-W 682.05, shall receive Step 1 rates;~~
 - ~~d. If an assistance group is applying for TANF financial assistance and contains an adult member who is participating in job search, then the assistance group shall receive Step 1 rates;~~
 - ~~e. NHEP participants in an approved on the job training placement(OJT) as described in He-W 637.20 shall receive Step 1 rates for the duration of the OJT contract even if the NHEP participant's financial assistance with DHHS ends due to increased earnings or hours of employment;~~
 - ~~f. Families whose gross monthly income does not exceed 140% of the federal poverty guidelines as described in He-C 6910.05(b), shall receive Step 2 rates; and~~

~~g. Families whose gross monthly income is between 140% and 190% of the federal poverty guidelines as described in He C 6910.05(b) shall receive Step 3 payment rates.~~

~~(9) In addition to the step rate determination in (8) above, the following payments shall be made subject to the verification requirements as noted below:~~

~~a. A supplemental rate of \$4.00 per day, or a portion of a day, shall be paid for a child with a disability subject to the verification described in He C 6910.08(g) and (p);~~

~~b. A recipient may claim additional hours for child care assistance due to working a night shift job at which he/she works at least 4 hours of the day between 10 pm. and 6 am., subject to the verification described in He C 6910.08(k)(1), with payment to be made as determined in He C 6910.15(j)(3); or~~

~~c. A recipient may claim additional hours for child care assistance for participation for more than 12 hours of employment related activities, training or education as described in He C 6910.08(j)(2), with payment to be made as determined in He C 6910.15(j)(3).~~

~~— (f) A NOD shall be mailed to the applicant and the provider(s) as described in He C 6910.10 as soon as an eligibility determination is made, but no later than 30 days from the date of the application.~~

~~— (g) The month of application shall be the first month of the eligibility period, regardless of what day of the month the family applied.~~

~~— (h) Eligibility for child care assistance shall begin on the day the application was received, if the family was determined eligible.~~

~~— (i) The eligibility period for child care assistance shall not exceed 6 months, except as noted below:~~

~~(1) If the family is also receiving TANF financial assistance or food stamps, the end date of the eligibility period shall be adjusted to coincide with the eligibility period of those programs; and~~

~~(2) If the family is receiving TANF related medical only assistance, and no food stamps, the eligibility period shall be up to a maximum of 12 months to coincide with the eligibility period of the medical assistance.~~

~~— (j) When divorced parents have joint custody of a child so that each has custody of the child equally during the year per the divorce decree and both families apply for child care assistance, then the family which applied first shall be approved if the family meets the eligibility criteria of He C 6910 and the family that applied later shall be denied child care assistance, regardless of whether that family would otherwise be eligible.~~

~~— (k) Prior to the end of the eligibility period, the family shall request a redetermination of eligibility in accordance with He C 6910.13 in order to continue to receive child care assistance.~~

~~— He C 6910.10 Notices of Decision.~~

~~— (a) A NOD shall be given or mailed by DHHS to a family and the provider(s) whenever child care assistance is approved, denied, decreased, redetermined or terminated.~~

~~—— (b) When an increase in child care assistance occurs, a NOD shall be given or mailed to a family and the provider(s) only when the step level of assistance is increased as shown on the tables in He-C 6910.15.~~

~~—— (c) The NOD shall contain the following information:~~

~~(1) The eligibility decision, which shall be either:~~

- ~~a. An approval;~~
- ~~b. A denial;~~
- ~~c. A step level increase;~~
- ~~d. A decrease;~~
- ~~e. A redetermination of eligibility; or~~
- ~~f. A termination;~~

~~(2) The reason for the decision;~~

~~(3) The eligibility period, for an approval or redetermination;~~

~~(4) The proposed effective date of the denial, decrease or termination which shall be 10 days from the date of the notice;~~

~~(5) The maximum income limit for the family size;~~

~~(6) The total gross monthly income amount for the assistance group, except if the provider is a non-contract provider, then the amount shall be blank on the provider's copy;~~

~~(7) The income computation used to determine the eligibility decision, except if the provider is a non-contract provider, then the amount shall be blank on the provider's copy;~~

~~(8) If the family is determined eligible, each eligible family member's name and DHHS recipient identification number, which is a uniquely assigned number for each assistance group member;~~

~~(9) The step rate of reimbursement as described in He-C 6910.15 for each eligible child in the assistance group; and~~

~~(10) The right to appeal in accordance with He-C 6910.20 if the family is aggrieved by the eligibility decision.~~

~~—— He-C 6910.11 Limitation of Child Care Assistance in Certain Situations. Insofar as funding and resources allow, child care assistance shall be unlimited in duration if the family meets and continues to meet the program requirements of He-C 6910 except as follows:~~

~~(a) A parent(s), caretaker relative or legal guardian receiving TANF financial assistance who is exempt from the NHEP work requirement in accordance with He-W 637.04, shall be eligible for child care assistance when he/she is participating in a family and life skills training program provided by community agencies only when he/she was referred to the training program by an NHEP representative as defined in He-W 637.01(o);~~

~~—— (b) Families which have an unemployed parent(s), caretaker relative or legal guardian may use a maximum of 40 days of child care in any 6 month period to seek employment or to seek employment and housing on the same day when:~~

~~(1) The family has applied for TANF financial assistance but an eligibility determination has not yet been made; or~~

~~(2) The family is not receiving TANF financial assistance but is otherwise eligible for child care assistance in accordance with He C 6910.~~

~~—— (c) If TANF financial assistance is denied, the number of days of child care assistance received while waiting for the eligibility decision shall count toward the 40 day maximum described in (b)(1) above;~~

~~—— (d) Families in which a parent(s) is participating in a training program or course of study shall be eligible for child care assistance during the training program or course of study as follows:~~

~~(1) If the family is not receiving TANF financial assistance, the training program or course of study shall:~~

~~a. Prepare the parent for employment;~~

~~b. Lead to a degree or certificate in an area of specialization;~~

~~c. Not exceed 2 years of study in a lifetime; and~~

~~d. Not result in a degree or certificate at the bachelor's level or higher;~~

~~(2) If the family is receiving TANF financial assistance, the training program or course of study shall:~~

~~a. Prepare the parent for participation in a degree or certificate program, employment, or employment advancement;~~

~~b. Lead to a degree or certificate in an area of specialization, such as, but not limited to, an associate degree in computer technology or a licensed practical nurse certification; and~~

~~c. Be authorized only after:~~

~~1. The NHEP representative and the parent have decided upon a realistic vocational goal; and~~

~~2. The parent has both an assessment and an employability plan that has been approved in accordance with He W 637.09 and He W 637.12; or~~

~~(3) If the parent(s) is an NHEP participant, a single training course or courses of study that shall:~~

~~a. Prepare the parent(s) for immediate employment;~~

~~b. Be vocationally specific;~~

~~c. Not exceed 2 courses in any 12 month period ending June 30 of each year; and~~

~~d. Be authorized only after:~~

~~1. The NHEP representative and the parent(s) have decided upon a realistic vocational goal; and~~

~~2. The parent(s) has both an assessment and an employability plan that has been approved in accordance with He W 637.15(a);~~

~~—— (e) A family shall be eligible for child care assistance when an adult who is a NHEP participant is attending a training or education program preparatory to employment only for the following length of time:~~

~~(1) A period not to exceed 2 years of full time study, with full time study being defined by the institution; or~~

~~(2) When attendance is less than full time, a period of one and one-half times the period for which it is customary for completing the program, as defined by the institution, and not to exceed 3 years;~~

~~—— (f) Families in which an adult is participating in NHEP and attending an associate degree or bachelor degree program shall be eligible for child care assistance under the following conditions:~~

~~(1) For up to 2 years of full time study; and~~

~~(2) If the course of study is necessary to meet individual goals that are directly related to obtaining gainful employment in a recognized occupation;~~

~~—— (g) Families who are receiving TANF financial assistance and in which an adult member is participating in NHEP and attending an associate degree or bachelor degree program shall be eligible for child care assistance even if the program is not on the approved employability plan or if he/she does not have an employability plan only under the following conditions:~~

~~(1) For up to 2 years of full time study;~~

~~(2) If the course of study is necessary to meet individual goals that are directly related to obtaining gainful employment in a recognized occupation; and~~

~~(3) If the NHEP participant is not under sanction for non-compliance with NHEP requirements;~~

~~—— (h) Families receiving TANF financial assistance from DHHS shall be eligible for child care assistance while an adult assistance group member is participating in any work study or internship required by the institution in order to complete a program of education;~~

~~—— (i) Families not receiving TANF financial assistance from DHHS who are participating in work study or internship, shall:~~

~~(1) Be considered to be employed; and~~

~~(2) Have any income received from the work study or internship counted as part of the family's gross monthly earned income in the determination of assistance in accordance with He C 6910.09(e)(5)b.~~

~~—— (j) Families in which an adult member is a NHEP participant who is engaged in basic and alternative educational activities leading to a high school diploma or equivalent, or to increase literacy~~

~~levels, shall be eligible for child care assistance as long as he/she makes satisfactory progress as defined in He-W 637.01(t) in one of the following programs:~~

- ~~(1) General educational development (GED) programs;~~
- ~~(2) Remedial or basic education programs;~~
- ~~(3) High school diploma program;~~
- ~~(4) Alternative educational high schools;~~
- ~~(5) English as a second language;~~
- ~~(6) Job training council out of school youth programs; and~~
- ~~(7) Special programs for learning disabled individuals;~~

~~——(k) With the exception of individuals who meet the conditions of He-W 637.17(b)(12), a family which contains an adult member who is a NHEP participant who is enrolled in GED classes funded by DHHS and which meet for a minimum period of time as specified in Section 407 of the Social Security Act, as amended by Public Law 104-193, shall be eligible for child care assistance for a limit of 2 calendar years; and~~

~~——(l) Child care assistance shall not be paid by DHHS when an adult is participating in a pre-requisite course in preparation for post-secondary education or training.~~

~~——He-C 6910.12 Reporting Changes.~~

~~——(a) A change in any of the family circumstances listed below shall be reported by the recipient to the DO or contract agency within 10 days of the date the change occurs:~~

- ~~(1) The composition of the assistance group, such as, an individual leaving or moving in;~~
- ~~(2) A change of address;~~
- ~~(3) The income of any member of the assistance group, such as, but not limited to, a change in the hourly rate of pay, the number of hours worked, or loss of or start of employment;~~
- ~~(4) The provider who is providing child care services for one or more of the children; or~~
- ~~(5) Employment related activity, such as, but not limited to, ending job search when employment is found, ending training and education activities to enter into job search activities.~~

~~——(b) DHHS shall:~~

- ~~(1) Review whether the assistance group continues to be eligible once a change in circumstances as described in (a) above has been reported and the facts verified subject to He-C 6910.08; and~~
- ~~(2) Send a NOD to the family if the reported change shall result in a decrease, increase or termination of child care assistance as described in He-C 6910.10.~~

~~——(c) Any decrease or termination of eligibility that results from a change in family circumstances shall be effective 10 days from the date of the NOD, unless the family requests a continuance of child care assistance pending the outcome of an appeal in accordance with He-C 6910.20.~~

~~He C 6910.13 Redetermination of Eligibility.~~

~~(a) Eligibility for child care assistance shall terminate at the end of the eligibility period unless the parent, caretaker relative or legal guardian participates in a redetermination before the end of the eligibility period.~~

~~(b) The purpose of the redetermination shall be to verify and update the information and documentation provided on the application or at the most recent redetermination in an effort to determine current eligibility.~~

~~(c) A redetermination shall be conducted in the same manner as an application in accordance with He C 6910.04, except:~~

~~(1) Verification of information regarding assistance group members, such as name, address, birth information, and citizenship, shall not be required unless changes in assistance group composition or address have occurred since application or the most recent redetermination;~~

~~(2) For a child with a disability, verification of disability shall not be required if the condition is considered chronic and non-changing as certified by the physician or licensed mental health professional at the time of application or when verification of disability was submitted; or~~

~~(3) Families whose eligibility period is determined in accordance with He C 6910.09(i) shall meet the personal interview requirements specified in He W 636.01.~~

~~(d) Continued eligibility shall be determined in accordance with He C 6910.09 and the eligibility period shall continue for another 6 months or in accordance with He C 6910.09(h).~~

~~(e) The family shall be sent a NOD regarding the eligibility decision in accordance with He C 6910.09(e) and He C 6910.10.~~

~~(f) If the family is determined to be no longer eligible, child care assistance shall end on the date specified on the NOD, unless continuation of child care assistance is requested pending the outcome of an appeal in accordance with He C 6910.20(b).~~

~~(g) If a family requests a redetermination after the end of the family's eligibility period, the request shall be treated as a new application in accordance with He C 6910.04 and, if found eligible, a new eligibility period shall begin on the day the application was received in the DO or at the contract agency.~~

~~(h) If at the time of redetermination it is reported by the family that a new provider is providing child care services, that provider shall be enrolled in accordance with He C 6910.18 before payment can be made to the provider.~~

~~He C 6910.14 Leave of Absence from Work and Breaks in Education or Training Programs.~~

~~(a) A parent, caretaker relative or legal guardian shall be considered as being employed if he/she is on a verified medical leave of absence of 6 weeks or less and is assured of immediate reentry to his/her job with the same employer when the absence ends, subject to the verification requirements of He C 6910.08(l).~~

~~(b) A parent, caretaker relative or legal guardian in a training program or course of study shall be considered in training or education during a medical leave of absence and the family shall be eligible for child care assistance, if the leave of absence is for 6 weeks or less and the individual is assured of~~

~~immediate reentry in the program when the absence ends, subject to the verification requirements of He-C 6910.08(m).~~

~~—— (c) When a parent, caretaker relative or legal guardian takes a scheduled, short term break from his/her training program or course of study, child care assistance shall continue whether or not the child(ren) is cared for by the provider, when all of the following apply:~~

~~(1) The child(ren) would otherwise lose the availability to be cared for by that provider; and~~

~~(2) As long as child care assistance during the break does not exceed 30 days in any 12-month period.~~

~~—— (d) A scheduled, short term break shall not include the summer break in a training program or course of study, and child care assistance shall not be paid during that time, regardless if the training program or course of study has a scheduled summer break.~~

~~—— (e) When a parent, caretaker relative or legal guardian takes an unscheduled or long term break from his/her training program or course of study, the following shall apply:~~

~~(1) Child care assistance shall terminate if the parent, caretaker relative or legal guardian is not participating in another training or education program or participating in job search; and~~

~~(2) Child care assistance shall resume for the unused portion of the original 2 year time period as described in He-C 6910.11 when the parent, caretaker relative or legal guardian:~~

~~a. Reapplies for child care assistance;~~

~~b. Meets eligibility criteria in accordance with He-C 6910; and~~

~~c. Returns to the same training or education program.~~

~~—— (f) An unscheduled or long term break shall not count in the determination of the end of the 2 year limit described in (e)(2) above.~~

~~—— He-C 6910.15 Child Care Payment Rates and Co-payments.~~

~~—— (a) Child care assistance payments shall be limited only to the hours that the applicant or recipient is:~~

~~(1) At work or looking for work;~~

~~(2) In training or attending class, including internet training;~~

~~(3) In a work study, subject to the limitation in He-C 6910.11(i) for non-TANF recipients;~~

~~(4) Required to participate in a NHEP activity as described in He-W 637;~~

~~(5) Performing duties for VISTA;~~

~~(6) Studying, not to exceed the number of classroom hours, and only if billed within the same week;~~

~~(7) Commuting; or~~

~~(8) Resting, if the parent works any 4 hours of the day from 10 p.m. to 6 a.m. and the child would otherwise be without care and supervision.~~

~~— (b) Changes in the gross monthly income limit used to calculate eligibility shall be effective on the first day of July following publication of the annual update of the poverty income guidelines in the Federal Register.~~

~~— (c) The daily rate of payment for full time contract agency services shall be as contracted and not exceed the limits in Table 6.1, Full Time, Contract Agency Rates, below:~~

TABLE 6.1 Full Time, Contract Agency Rates

-	<u>Children Under Age 3</u>	<u>Children Age 3 and Over</u>
-	-	-
Step 1 Payment Rate	\$ 30.75	\$ 27.30
Step 2 Payment Rate	30.75	27.30
Step 3 Payment Rate	30.75	27.30

~~— (d) The rate of payment per hour for part time contract agency services shall be as contracted and not exceed the limits in Table 6.2, Part Time, Contract Agency Rates, below:~~

TABLE 6.2 Part Time, Contract Agency Rates

-	<u>Children Under Age 3</u>	<u>Children Age 3 and Over</u>
-	-	-
Step 1 Payment Rate	\$ 4.96	\$ 4.40
Step 2 Payment Rate	4.96	4.40
Step 3 Payment Rate	4.96	4.40

~~— (e) The daily rate of payment for full time, non-contract licensed services shall not exceed the limits in Table 6.3, Full Time, Non-Contract Licensed Rates, below:~~

TABLE 6.3 Full Time, Non-Contract Licensed Rates

-	<u>Children Under Age 3</u>	<u>Children Age 3 and Over</u>
-	-	-
Step 1 Payment Rate	\$ 30.75	\$ 27.30
Step 2 Payment Rate	30.75	27.30
Step 3 Payment Rate	30.75	27.30

~~— (f) The rate of payment per hour for part time, non-contract licensed services shall not exceed the limits in Table 6.4, Part Time, Non-Contract Licensed Rates, below:~~

TABLE 6.4 Part Time, Non-Contract Licensed Rates

-	<u>Children Under Age 3</u>	<u>Children Age 3 and Over</u>
-	-	-
Step 1 Payment Rate	4.96	4.40
Step 2 Payment Rate	4.96	4.40
Step 3 Payment Rate	4.96	4.40

~~— (g) The daily rate of payment for full time, non-contract license exempt services shall not exceed the limits in Table 6.5, Full Time, Non-Contract License Exempt Rates below:~~

TABLE 6.5 Full Time, Non-Contract License Exempt Rates

-	<u>Children Under Age 3</u>	<u>Children Age 3 and Over</u>
--------------	-----------------------------	--------------------------------

-	-	-
Step 1 Payment Rate	25.60	22.10
Step 2 Payment Rate	25.60	22.10
Step 3 Payment Rate	25.60	22.10

~~— (h) The rate of payment per hour for part time, non contract license exempt services shall not exceed the limits in Table 6.6, Part Time, Non Contract License Exempt Rates, below:~~

TABLE 6.6 Part Time, Non Contract License Exempt Rates

-	<u>Children Under Age 3</u>	<u>Children Age 3 and Over</u>
-	-	-
Step 1 Payment Rate	4.13	3.56
Step 2 Payment Rate	4.13	3.56
Step 3 Payment Rate	4.13	3.56

~~— (i) The amount of the payment to the provider shall be the actual cost of the service or the maximum allowable payment whichever is lower.~~

~~— (j) The maximum allowable payment for child care shall be calculated as follows:~~

~~(1) For 6 hours of child care or less per day, the number of hours of child care shall be multiplied by the hourly rate;~~

~~(2) For more than 6 hours but less than 12 hours of child care per day, the maximum allowable payment shall be the daily rate; or~~

~~(3) Night shift employees who have verified his/her hours to qualify for additional payment in accordance with He C 6910.09(d)(9)b., shall be allowed the number of hours worked added to the number of hours resting, which shall be no more than the number of hours actually worked, to calculate the maximum payment as described below:~~

~~a. For more than 12 hours but less than 18 hours of child care per day, the maximum allowable payment shall be calculated as follows:~~

~~1. Determine the daily rate found in the Tables 6.1, 6.3, or 6.5 in He C 6910.15;~~

~~2. Subtract 12 from the actual number of hours of child care service;~~

~~3. Multiply the hourly rate found in the Tables 6.2 6.4, or 6.6 in He C 6910.15 by the result in 2. above; and~~

~~4. Add the result of 1. above to the result of 3. above; or~~

~~b. For 18 hours or more of child care per day, the maximum allowable payment shall be twice the daily rate.~~

~~— (k) When only one provider is used per child per day, the parent shall participate in employment and/or training for more than 12 hours per day for a provider to bill for more than the daily rate.~~

~~— (l) When more than one provider is used per child per day, the amount due to each provider for care of any one child on any one day shall be calculated and paid separately, regardless of whether the sum of the amounts due to all providers exceeds the maximum daily payment amount.~~

~~(m) When a family of a divorced parent who has joint custody of a child is found eligible for child care assistance for that child, the provider shall bill DHHS in accordance with He C 6910.16 only for the days that the child was physically living with the divorced parent.~~

~~(n) The following co-payment deductions shall be made from the payment amount without regard to either rate of payment or category of provider:~~

~~(1) For step 2, \$32.00 per week for each child receiving child care services; and~~

~~-~~

~~(2) For step 3, \$49.50 per week for each child receiving child care services.~~

~~—— (o) When a child turns 3 years of age, the payment rate shall be changed effective the day of the child's birthday.~~

~~—— He C 6910.16 Child Care Payments and Provider Billing Requirements.~~

~~—— (a) Child care payments shall be made by DHHS directly to a provider.~~

~~—— (b) Child care payments shall be made if:~~

~~(1) The family was eligible for child care assistance during the time period covered in the provider billing; and~~

~~(2) The billing invoice for child care services was signed by the provider and the parent/guardian/caretaker relative after services were provided.~~

~~—— (c) There shall be 3 ways for a provider to submit invoices for payment of child care services rendered by him/her to eligible families as follows:~~

~~(1) For non-contract providers only, via Form 250, Child Care Payment Request Invoice as described in (d) below;~~

~~(2) For contract providers only, via Form NHBinv023, Contract Agency Billing Invoice, as described in (g) below; or~~

~~(3) For all providers, via web billing as described in (j) below.~~

~~—— (d) On a weekly basis, the non-contract provider and parent, caretaker relative or legal guardian shall complete the Form 250, Child Care Payment Request Invoice, for each child which includes the following information and signatures:~~

~~(1) The name, address, and social security number of the parent, caretaker relative or legal guardian;~~

~~(2) The child's name and DHHS identification number;~~

~~(3) The dates and number of hours of service received during that week;~~

~~(4) The actual charges incurred;~~

~~(5) The name and telephone number of the provider;~~

~~(6) The signatures of both the provider and the parent, caretaker relative or legal guardian; and~~

~~(7) The provider's NH Bridges resources identification number as assigned in accordance with He-C 6910.18(m).~~

~~—— (e) Form 250 shall be submitted by the provider no later than 90 days following the last date of service on the invoice to:~~

~~Department of Health and Human Services
Office of Finance
Bureau of Data Management
P.O. Box 2000
Concord, NH 03301~~

~~—— (f) Form 250 shall not include fees or extra charges assessed by the provider.~~

~~—— (g) DHHS shall mail a computer generated Form NHBinv023, Contract Agency Billing Invoice, to all enrolled contract agency providers twice per month which the contract provider may use to bill DHHS as described in (h) – (i) below.~~

~~—— (h) Contract providers shall complete the Form NHBinv023, sign and return the form as described in (e) above after providing the following information on the form:~~

- ~~(1) The number of hours the child was in the provider's care each day of the billing cycle;~~
- ~~(2) The total number of hours being billed for this child in the billing cycle; and~~
- ~~(3) The amount of the anticipated payment.~~

~~—— (i) Form NHBinv023 shall not include fees or extra charges assessed by the contract agency.~~

~~—— (j) If a provider wishes to submit a billing via the web, the provider shall request a web billing account from DHHS and provide the following information and signature to set up the account:~~

- ~~(1) The provider's full name, including last, first and middle initial, if any;~~
- ~~(2) The name of the provider's business, if different from (1) above;~~
- ~~(3) The physical address of the business, and, if different, the home office address, including the street, city and zip code;~~
- ~~(4) The telephone number for the address listed in (3) above;~~
- ~~(5) The resource ID number of the business as described in He-C 6910.18 (l) and (m);~~
- ~~(6) The provider's social security number or federal ID number used in his/her business;~~
- ~~(7) The provider's business email address; and~~
- ~~(8) The dated signature of the provider.~~

~~—— (k) Upon receipt of a web billing account request, DHHS shall issue to the provider a user identification to use with the account and a personal identification number (PIN), which the provider may change at any time.~~

~~—— (l) The provider shall not transfer his/her PIN or allow use of his/her PIN to any other person, except as provided under He-C 6910.18(f)(3).~~

~~—— (m) A provider may submit a web billing which contains the information from Form 250 as described in (d) above or on Form NHBinv023 as described in (h) above;~~

~~—— (n) Each child care provider shall maintain in his/her records the weekly attendance sheets for each week billed which includes the signature of the parent, caretaker relative or legal guardian.~~

~~—— (o) A provider shall bill the parent, guardian or caretaker relative for any co-pay amount, which shall be the difference between the actual amount charged by the provider and the amount paid by DHHS.~~

~~—— (p) A provider shall report all child care payments received as income when requesting other services from DHHS so that DHHS can consider this income in determining the provider's eligibility for other services.~~

~~—— (q) DHHS shall not pay any invoice which is submitted for payment more than 12 months from the date of service in accordance with RSA 126-A: 3, II.~~

~~—— (r) If a child care provider does not submit a billing invoice for more than 12 consecutive months, then his/her enrollment shall be closed and he/she shall re-enroll in accordance with He-C 6910.18.~~

~~—— (s) DHHS shall issue to a provider a federal Form 1099 in January of each calendar year if the provider has been paid \$600 or more of child care payments in the previous calendar year.~~

~~—— He-C 6910.17 Absentee Days.~~

~~—— (a) A non-contract provider shall submit request for payment for days when a child was absent from child care only if the child is a recipient of TANF financial assistance and all of the following conditions are met:~~

~~(1) The absence of the child was due to medical reasons or family emergency as stated by the parent, caretaker relative or legal guardian;~~

~~(2) The provider was open for business during the hours and days for which the absence(s) are being claimed;~~

~~(3) The child was scheduled to attend child care on the days and hours for which the absence(s) are being claimed; and~~

~~(4) Request for payment for absentee days does not exceed 10 days in any 6-month period.~~

~~—— (b) Contract providers may request payment for days when a child was absent from child care for any child when all of the following conditions are met:~~

~~(1) The absence of the child was due to medical reasons or family emergency and, if the absence is for longer than 10 continuous days, a signed and dated statement from a licensed medical professional describing the reason for the absence has been obtained;~~

~~(2) The provider was open for business during the hours and days for which the absence(s) are being claimed;~~

~~(3) The child was scheduled to attend child care on the days and hours for which the absence(s) are being claimed; and~~

~~(4) Request for payment for absentee days does not exceed 99 hours per day up to a limit of 999 hours per bi-monthly billing cycle.~~

~~—— He-C 6910.18 Provider Qualifications and Requirements for Enrollment.~~

~~—— (a) For a provider or contract agency to receive payment for child care services provided to an applicant or recipient, the provider or contract agency shall:~~

- ~~(1) Meet the qualifications of a provider or contract agency as described in He C 6910.18(b) through (d) below;~~
- ~~(2) Be enrolled with DHHS as described in (f) through (l) below; and~~
- ~~(3) If license exempt, complete a criminal records and central registry check in accordance with He C 6920; and~~
- ~~(4) Allow the parent, caretaker relative or legal guardian access to the child(ren) at all times while the child is in the provider's care.~~

~~—— (b) A provider shall:~~

- ~~(1) Be licensed or license exempt;~~
- ~~(2) Be 16 years of age or older;~~
- ~~(3) Not reside in the family's home;~~
- ~~(4) Not be a parent of a child for whom he/she is providing care;~~
- ~~(5) If license exempt, care for 3 or fewer children, other than his/her own in the caregiver's home or meet the exemption criteria as specified in RSA 170 E:3, I (a) — (g);~~
- ~~(6) If licensed, have a valid New Hampshire child care license in accordance with He C 4000;~~
- ~~(7) Be enrolled with DHHS as described in He C 6910.18 (f) through (l); and~~
- ~~(8) Agree to and sign the provider agreement as described in (d) — (g) below.~~

~~—— (c) A contract agency shall:~~

- ~~(1) Have a valid NH child care license which includes all of the child care sites of the agency;~~
- ~~(2) Be enrolled with DHHS as described in He C 6910.18(f) through (l); and~~
- ~~(3) Provide child care services for 12 or more children.~~

~~—— (d) A contract agency shall, pursuant to a written agreement between the contract agency and DHHS, comply with the following requirements:~~

- ~~(1) Determine the eligibility of an applicant and redetermine eligibility of a recipient in accordance with He C 6910;~~
- ~~(2) Agree to bill DHHS a minimum of once per month for all eligible children in the agency's care;~~
- ~~(3) Keep all information pertaining to eligible applicants and recipients confidential and not release any information regarding a family to any other individual or organization, except as described in (4) below;~~

- ~~(4) Retain all records pertaining to a family's eligibility and attendance with the agency for a period of 7 years;~~
 - ~~(5) Allow DHHS access to all records described in (3) above at any time during normal business hours that DHHS requests access;~~
 - ~~(6) Submit proof of the agency's revenue and expenditures by August 30 of each contract year to show that the fees charged to eligible families and reimbursed by DHHS do not exceed its cost of operation;~~
 - ~~(7) Maintain all licenses, permits, certifications or other documentation as required by state or federal laws;~~
 - ~~(8) Comply with all federal and state regulations including, but not limited to, civil rights, equal opportunity employment and non-discrimination;~~
 - ~~(9) Provide DHHS with a copy of its annual financial audit within 6 months of the close of its fiscal year;~~
 - ~~(10) Maintain in force a comprehensive general liability insurance policy against all claims of bodily injury, death or property damage in amounts of not less than \$1 million per claim and \$2 million in aggregate claims, pursuant to RSA 170-E:6 b; and~~
 - ~~(11) Certify by signature of an officer of the board which governs the contract agency and the director of DCYF that the contract agency agrees to the requirements described in (1) — (11) above and that the agreement shall remain in force for 2 years, subject to the availability of funds, unless terminated by either party following a 30-day written notification.~~
- ~~— (e) A license exempt provider, pursuant to a written agreement between the provider and DHHS, shall:~~
- ~~(1) Comply with all federal laws, state statutes and He-C 6910 for participation as a child care provider, including enrollment requirements and billing;~~
 - ~~(2) Certify by submission of a billing to DHHS that the billing is true and accurate and that submission of any fraudulent billing or inaccurate payment shall be recovered in accordance with RSA 167:17 a;~~
 - ~~(3) Be the only person to submit invoices for payment to DHHS for services he/she provides;~~
 - ~~(4) If the provider chooses to utilize web billing, submit invoices in accordance with He-C 6910.16, using the PIN assigned;~~
 - ~~(5) Be present and directly providing care at all times to the child(ren) under his/her care and supervision;~~
 - ~~(6) Keep all information pertaining to eligible applicants and recipients confidential and not release any information regarding a family to any other individual or organization, except as otherwise allowed under law;~~
 - ~~(7) Keep daily attendance records, which shall include the begin and end time of care and parent/guardian's signature, and any other records related to billing for a period of 5 years;~~
 - ~~(8) Contact DHHS by the next business day of receipt of any overpayment;~~

- ~~(9) Be responsible for the payment of all required federal and state taxes on payments received from DHHS;~~
- ~~(10) Understand that this agreement does not create an employer-employee relationship between DHHS and the provider;~~
- ~~(11) Agree that:~~
- ~~a. Failure to comply with the agreement or He C 6910 shall result in termination from participation as a child care provider;~~
 - ~~b. Either party may terminate the agreement without cause, following a 30 calendar day written notification to the other party by registered mail, except as referenced in c. below;~~
 - ~~c. The agreement shall be terminated by DHHS without advance notice if:~~
 - ~~1. The provider has not submitted a billing invoice in over 12 months, in accordance with He C 6910.16(f); or~~
 - ~~2. The health or safety of a child is endangered as a result of the provider's care as detailed in RSA 170 E:4, II, RSA 170 E:7, He C 4002.10(m)(1) and He C 6920.07 and He C 6920.08; and~~
 - ~~d. If he/she has been found guilty of fraud in accordance with He C 6910.20, then he/she shall be disqualified from participating as a child care provider for a period of at least 5 years.~~
- ~~—— (f) A licensed provider shall, pursuant to a written agreement between the provider and DHHS, comply with all of the requirements stated in (e) above in addition to or as modified by the following:~~
- ~~(1) Maintain all licenses, permits, certifications or other documentation as required by state or federal laws;~~
 - ~~(2) Keep records as described in (e)(7) above for a total of 7 years;~~
 - ~~(3) If the licensed provider wishes to have additional staff submit invoices for payment via a web billing, then each staff member shall submit a request for his/her own PIN as described in He C 6910.16(j); and~~
 - ~~(4) Comply with all federal and state regulations including, but not limited to, civil rights, equal opportunity employment, and non-discrimination.~~
- ~~—— (g) The agreement described in He C 6910.18(e) and (f) shall become effective upon the signature and affixed date of the provider.~~
- ~~—— (h) A contract agency shall be assigned a contract agency number by DHHS to be used for billing purposes once the agreement has been signed.~~
- ~~—— (i) To be enrolled with DHHS, the provider and the applicant/recipient shall complete the following forms:~~
- ~~(1) Form 251, Provider Enrollment;~~
 - ~~(2) Alternate W 9 Form CIS, Payer's Request for Taxpayer Identification Number and Certification; and~~

~~(3) For non contract providers only, Form 253, Child Care Provider Verification.~~

~~————(j) The following shall be required on the Form 251:~~

~~(1) The provider's name;~~

~~(2) The provider's federal identification number or social security number, if the provider does not have a federal identification number;~~

~~(3) The name of the DO or contract agency where the application was filed;~~

~~(4) The provider's telephone number;~~

~~(5) The provider's address, including street, town/city, state and zip code;~~

~~(6) The name of the provider's contact person, if any;~~

~~(7) The effective date of the child care services, which shall be the first date that child care was provided;~~

~~(8) An indication by circling the appropriate type of service, whether the child care provider is a contracted, licensed or unlicensed provider;~~

~~(9) The code to identify the type of care setting as follows:~~

~~a. Code 01 which shall represent child care in a child care center;~~

~~b. Code 02 which shall represent child care in a family group child care setting by a relative;~~

~~c. Code 03 which shall represent child care in a family group child care setting by a non relative;~~

~~d. Code 04 which shall represent child care in a family child care setting by a relative;~~

~~e. Code 05 which shall represent child care in a family child care setting by a non relative;~~

~~f. Code 06 which shall represent child care in the child's home by a non relative who is not residing in the home;~~

~~g. Code 07 which shall represent child care in the child's home by a non relative; and~~

~~h. Code 08 which shall represent all other types of care settings;~~

~~(10) Name of the applicant;~~

~~(11) The applicant's address, including street, town/city, state and zip code; and~~

~~(12) The applicant's telephone number, if any.~~

~~————(k) The following shall be required on the Form Alternate W 9 Form CIS:~~

~~(1) The provider's name;~~

~~(2) The provider's address, including street, town/city, state and zip code;~~

- ~~(3) An indication of whether the tax identification number supplied is an employer identification number or a social security number;~~
 - ~~(4) The number used by the provider on his/her IRS tax return when reporting income from the child care business;~~
 - ~~(5) A designation of the type of business the provider owns, such as corporation, non profit, government agency or other;~~
 - ~~(6) An indication of the principle type of service or product the provider provides in his/her business;~~
 - ~~(7) The name and title of the provider either typed or printed;~~
 - ~~(8) The provider's signature and date signed;~~
 - ~~(9) The provider's telephone number, including area code and extension; and~~
 - ~~(10) Certification by the provider's signature that the information supplied is true, correct and complete under any penalty pursuant to RSA 641:3.~~
- ~~(1) The following shall be required on the Form 253:~~
- ~~(1) The provider's name, including business name, if any;~~
 - ~~(2) The provider's address, including street, town/city, state and zip code;~~
 - ~~(3) The provider's telephone number or message number;~~
 - ~~(4) The applicant's name, address and telephone number;~~
 - ~~(5) An indication whether the child care provider is licensed;~~
 - ~~(6) If the provider is license exempt, an indication of the number of children cared for and the number of children related to the provider;~~
 - ~~(7) The following information on each child in the assistance group for whom child care is being requested:~~
 - ~~a. The child's name, first and last;~~
 - ~~b. The child's date of birth;~~
 - ~~c. The date child care began for this child;~~
 - ~~d. The number of days per week the child care is provided;~~
 - ~~e. The number of hours per day the child care is provided;~~
 - ~~f. The cost per day of care;~~
 - ~~g. The cost per hour of care; and~~
 - ~~h. The total cost per week of care;~~
 - ~~(8) An indication whether the care is provided in the child's own home, in the provider's home or at a child care center;~~

~~(9) Both the provider's and the applicant's signature and the date the form was signed; and~~

~~(10) Certification by the provider and the applicant, by signing the form, that the information provided is accurate and true and that he/she understands that DHHS may release child care payment information to the provider for verifying child care payment information.~~

~~—— (m) Upon completion and signature of the forms by both the applicant/recipient and the provider(s), the applicant/recipient shall return the forms as described below:~~

~~(1) Form 251 and Form Alternate W 9 Form CIS shall be returned to:~~

~~Department of Health and Human Services
Office of Finance
Bureau of Data Management
P.O. Box 2000
Concord, NH 03301; and~~

~~(2) Form 253 shall be returned to the DO from which the forms were received.~~

~~—— (n) Upon receipt of Form 253 in the DO, the DO staff shall:~~

~~(1) Determine if the provider meets the qualifications in (b) above and authorize payment to the provider; or~~

~~(2) If the provider does not meet the qualifications, verbally advise the applicant/recipient that while he/she has free choice of providers, unless the provider meets the qualifications in (b) above, DHHS shall not make payment to the provider.~~

~~—— (o) Upon receipt of the Forms 251 and Alternate W 9 Form CIS by the bureau of data management, the provider shall be sent a confirmation that he/she has been enrolled with DHHS and shall be given his/her NH Bridges resource identification number.~~

~~—— (p) A provider shall use his/her uniquely assigned NH Bridges resource identification number or contract agency number on all billing invoices for payment to be made.~~

~~—— (q) A provider shall be re-enrolled only when his/her tax identification number is changed from a social security number to an employer identification number or vice versa.~~

~~—— (r) A contract agency shall renew its written agreement with DHHS every 2 years as stated on the agreement to continue payment for services, but re-enrollment shall not be necessary at that time.~~

~~—— (s) If a provider has his/her child care license denied, suspended or revoked pursuant to He C 4000, then DCYF shall review the facts of the licensing denial, suspension or revocation to determine if the provider meets the qualifications of a license exempt provider in accordance with He C 6910.18 and RSA 170 E:12.~~

~~—— He C 6910.19 Termination. Child care assistance shall terminate as follows:~~

~~—— (a) A child shall be terminated from child care assistance effective the day of the month on which he/she turns age 13, unless the child meets the criteria of a child with a disability as described in He C 6910.08(g);~~

~~—— (b) Child care assistance shall terminate effective 10 days from the date on the NOD, unless continuation of assistance is requested pending the outcome of an appeal:~~

- ~~(1) When a change in family circumstances as described in He C 6910.12 results in a determination that the family is no longer eligible for child care assistance; or~~
- ~~(2) Whenever a family no longer meets the eligibility requirements found in He C 6910;~~
- ~~—— (c) At the end of the eligibility period if a parent, caretaker relative or legal guardian fails to complete a redetermination of eligibility in accordance with He C 6910.13;~~
- ~~—— (d) Effective the day on which a child with a disability turns age 18; or~~
- ~~—— (e) If the NOD proposed termination of child care assistance and the outcome of the appeal upheld DHHS.~~
- ~~—— He C 6910.20 Disqualification Due to Fraud.~~
- ~~—— (a) A provider shall be disqualified from participation as a child care provider if:~~
 - ~~(1) The provider is convicted of fraud by the court pursuant to RSA 167:17-b, I(a) and RSA 167:17-e;~~
 - ~~(2) The provider does not meet the criteria in (1) above, but has been found to have committed fraud by an investigation conducted by DHHS pursuant to RSA 161:2, XV;~~
 - ~~(3) The provider does not meet the criteria in (1) above, but has been found to have made or furnished false or misleading statements to DHHS regarding child care billing; or~~
 - ~~(4) The provider's child care license or permit was denied or revoked for furnishing or making false or misleading statements or reports to DHHS pursuant to RSA 170-E:12, V.~~
- ~~—— (b) If a child care provider commits fraud, as defined in He C 6910.03, in any program administered by DHHS or has had his/her child care license or permit denied or revoked pursuant to RSA 170-E:12, V, then the provider shall be disqualified to participate as a child care provider or receive any state funds under that program for a period of not less than 5 years.~~
- ~~—— (c) The exceptions found in He C 4002.10(s) shall not apply to a provider who has been disqualified due to fraud.~~
- ~~—— (d) The provider who has been found to have committed fraud as referenced in (a)(2) – (4) above shall be sent written notice from DCYF regarding the disqualification as follows:~~
 - ~~(1) The notice shall be sent via mail to the provider informing him/her that the disqualification shall be effective 30 calendar days from the date of the notice;~~
 - ~~(2) The notice shall include the reason(s) for the disqualification; and~~
 - ~~(3) The notice shall include the provider's right to appeal the disqualification in accordance with He C 6910.21(f).~~
- ~~—— (e) The effective date of the disqualification shall be either:~~
 - ~~(1) The effective date shown in the disqualification notice as described in (d)(1); or~~
 - ~~(2) If an appeal has been requested and the decision by DCYF is upheld by the hearings officer, then the effective date of disqualification shall be the date the hearing decision has been rendered.~~

~~—— (f) If the hearings officer finds in favor of the provider, then disqualification shall not take effect.~~

~~—— (g) Any parent, caretaker relative, or legal guardian eligible under He C 6910 who is utilizing the child care services of a provider who has been disqualified due to fraud by DHHS, shall be notified via mail that:~~

~~(1) The provider does not meet the minimum requirements to operate as a child care provider;~~

~~(2) DCYF shall deny child care reimbursement to the provider;~~

~~(3) The information obtained by DCYF from the provider is confidential and can not be made available for his/her review; and~~

~~(4) DCYF advises that other child care arrangements be made.~~

~~—— He C 6910.21 Hearings.~~

~~—— (a) A family may appeal within 30 days of the date on a NOD an eligibility decision to reduce, deny or terminate child care assistance in accordance with He C 200.~~

~~—— (b) If a family files an appeal within 10 days of the date of the NOD and requests continuation of child care assistance, then child care assistance shall continue at the established payment rate.~~

~~—— (c) If the decision on the appeal upholds the DHHS proposed action, then child care assistance shall be denied, decreased or terminated as described in the NOD effective 10 days after the date of the NOD.~~

~~—— (d) If the family opted to continue to receive child care assistance as provided under (b) above, any overpayment shall be repaid in accordance with He C 6910.21.~~

~~—— (e) If the decision on the appeal reverses the DHHS proposed action:~~

~~(1) If the NOD proposed a denial of the application, eligibility shall be established as provided for in the appeal decision and eligibility shall be effective as described in He C 6910.09(g) or (h); or~~

~~(2) If the NOD proposed a decrease or termination of assistance, the family shall continue to receive child care assistance as provided for in the appeal decision.~~

~~—— (f) A child care provider may appeal the decision to disqualify him/her from participation in the child care program within 10 calendar days of the notice referenced in He C 6910.20(d).~~

~~—— He C 6910.22 Recoupment of Overpayments.~~

~~—— (a) An overpayment shall have occurred under one of the following conditions:~~

~~(1) When a family requests continuation of child care assistance pending the outcome of an appeal and the appeal decision upholds DHHS; or~~

~~(2) For any other reason that a provider received an incorrect higher amount of reimbursement than he/she should have received.~~

~~—— (b) When an overpayment has occurred, DHHS, the bureau of data management, shall send notice to the provider that an overpayment has occurred and that repayment of the overpayment shall be in accordance with (c) below.~~

~~———— (c) The provider shall either:~~

~~(1) Repay the overpayment within the 30 days; or~~

~~(2) Contact DHHS to make an agreement for repayment as follows:~~

~~a. The provider shall agree to repay at a certain rate until the overpayment is returned in full; or~~

~~b. The provider shall agree to have the total amount withheld from all future payments to the provider, beginning with the next scheduled payment when agreement has been reached or after the 30 days has elapsed, whichever occurs first, until the overpayment is returned in full.~~

~~———— (d) If the provider fails to repay the overpayment or to contact DHHS to enact an agreement within 30 days, then the overpayment shall be recouped in full beginning with the next scheduled payment to the provider after the 30 days has elapsed, or for as long as is necessary to recoup the overpayment in full.~~

PART He-C 6910 EMPLOYMENT-RELATED CHILD CARE

Statutory Authority: RSA 167:83, II(o)

He-C 6910.01 Purpose. The purpose of this part is for the department of health and human services (DHHS), through the division for children, youth, and families (DCYF) to:

(a) Establish the eligibility criteria for child care scholarship which enables families to prepare for, secure, or maintain employment if those families meet and continue to meet the program requirements of He-C 6910;

(b) Establish provider requirements for payment for child care scholarship on behalf of eligible families; and

(c) Establish the payment amounts for child care scholarship.

He-C 6910.02 Scope. This part shall apply to families who require child care scholarship and who are either receiving financial assistance from DHHS under the Financial Assistance to Needy Families (FANF) program as described in He-W 602.02(a), or whose income is at or below 190% of the federal poverty level, and until their income reaches 250% of the poverty level, as long as a family complies with the requirement described in He-C 6910.05(b). To support families who are receiving child care scholarship to become self-sufficient regarding child care costs, families are able to continue eligibility to 250% of poverty level as a step down program. This part also applies to the providers who receive payment for child care services on behalf of these families.

The scholarship payments established pursuant to He-C 6910 are contingent upon the availability and continued appropriation of sufficient funds for this purpose, and in no event shall DHHS be liable for any payments hereunder in excess of such available appropriated funds.

He-C 6910.03 Definitions.

(a) “Applicant” means a parent, caretaker relative or legal guardian of the child(ren) who applies for child care assistance.

(b) “Assistance group” means the individuals who are residing in the same household whose needs and income are considered and combined together when determining eligibility and the amount of assistance for child care.

(c) “Authorized service level” means the number of hours of child care for approved activities that includes employment, training and job search.

(d) “Caretaker relative” means a specified relative who is not the biological parent of the child(ren), but is providing care and supervision of the child(ren) in the assistance group.

(e) “Child care” means meeting a child’s need for supervision, food, activity and rest in order to assist a parent(s), caretaker relative, or legal guardian in preparing for, securing, or maintaining employment or employment-related education or training.

(f) “Child care assistance” or “child care scholarship” means payment to a provider of child care services on behalf of a family who meets the eligibility criteria of He-C 6910.

(g) “Child with a disability” means a child through the age of 17 who has a verified developmental, educational, emotional or medical disability.

(h) “Cost-share” is a DHHS determined portion of the standard rate fee charged to parents based on family size and income pursuant to He-C 6910.18.

(i) “District office (DO)” means one of the 12 New Hampshire regional offices of DHHS where families may apply for child care assistance provided by DHHS.

(j) “Eligibility period” means the time for which a family is determined eligible to receive child care assistance.

(k) “Employment-related activities” means “employment-related activities” as defined in RSA 167:78, IX, namely “participation in an activity that is designed to assist participants to enter, reenter, or remain in the workforce”.

(l) “Enrollment” means that a child care provider has met the requirements found in He-C 6910.20 and is authorized to receive payment for services from DHHS.

(m) “Family” means a child(ren) and an adult(s) who reside in the same household and who have a birth, foster, step, adoptive or legal guardianship relationship.

(n) “Financial assistance to needy families (FANF)” means the financial and medical assistance provided under the New Hampshire employment program (NHEP), family assistance program (FAP), families with older children (FWOC) program, interim disabled parent (IDP) program, and unemployed parent (UP) program.

(o) “Federal poverty guidelines (FPG)” means poverty guidelines, published in the Federal Register at least annually by the secretary of the United States Department of Health and Human Services, which are used as an eligibility criterion for community services block grant programs.

(p) “Fraud” means “fraud” as defined in RSA 167:58, IV.

(q) “Full time” means more than 30 hours of child care per week.

(r) “Half time” means 16 to 30 hours of child care per week.

(s) “Job search” means that an individual is actively seeking employment by contacting employers and participating in other job-seeking activities directed toward obtaining employment pursuant to He-C 6910.06(d)(2).

(t) “Leave of absence” means a temporary absence from work, training or education of 6 weeks or less due to medical reasons.

(u) “Legal guardian” means an individual, who is not a specified relative of a child(ren), who is given legal authority by a court and charged with the duty to provide care, custody and supervision of the child(ren).

(v) “Licensed” means a child care provider who has been issued a license to operate by the commissioner of DHHS, in accordance with RSA 170-E.

(w) “License-exempt” means a child care provider who is not required to be licensed, in accordance with RSA 170-E.

(x) “Monthly gross income” means total monthly moneys received before taxes and other deductions are applied.

(y) “NH Bridges” means the automated case management, information, tracking, and reimbursement system used by the division for children, youth and families and the division for juvenile justice services.

(z) “New Hampshire employment program (NHEP)” means the program administered by DHHS in accordance with RSA 167:78 through RSA 167:92.

(aa) “Notice of decision (NOD)” means a computer-generated, typed or handwritten notice, which advises families and providers of the results of eligibility determinations, or other changes in child care scholarship.

(ab) “Parent” means an individual who has a birth, adoptive, or step-parent relationship to the child(ren).

(ac) “Parent with a disability” means a parent who is unable to participate in employment-related activities and/or to care for and supervise his/her child(ren) because of physical or mental impairment, disease, or a combination of these conditions.

(ad) “Part time” means 1 to 15 hours of child care per week.

(ae) “Provider” means an individual, public or private organization supplying child care services to the family.

(af) “Recipient” means a family, or a member of a family, who is receiving child care assistance from DHHS.

(ag) “Redetermination” means a scheduled review of a recipient’s eligibility for services, and includes verification of all aspects of eligibility

(ah) “Specified relative” means any of the individuals listed in RSA 167:78, XXIII, with whom the eligible child(ren) lives.

(ai) “Standard rate” means a DHHS determined rate used to calculate child care scholarship and cost-share amounts.

(aj) “Termination” means the discontinuance of child care assistance received by an assistance group when the conditions of eligibility for receipt of the assistance are no longer met.

(ak) “Wait list” means a prioritized list of children eligible for child care scholarship who are waiting for funding to become available to receive child care scholarship.

He-C 6910.04 Application for Child Care Scholarship.

(a) An application for child care scholarship shall be made at a district office (DO).

(b) The applicant shall complete an application and participate in a face-to-face interview as described in RSA 167:79, III(j).

(c) The following information shall be provided by the applicant at the time of application for each member of the assistance group:

- (1) His/her full name, including maiden name, if applicable, and any other names used previously;
- (2) His/her date and place of birth;
- (3) His/her social security number if the applicant chooses to provide it;
- (4) His/her address, current and previously for the past 2 years;
- (5) A description of the current living arrangements, such as whether the family lives in a residence of its own, with a relative(s) or others, is homeless, or if the child(ren) living with him/her is a foster child;
- (6) The telephone number(s) at which he/she can be reached;
- (7) Whether he/she ever received child care assistance from DHHS previously, including the following:
 - a. The type of assistance received;
 - b. The time period in which assistance was received; and
 - c. From which DO the assistance was received;
- (8) The reason for requesting assistance at the time the application is made; and
- (9) The total amount of gross income from all sources, or net income if self-employed as described in He-C 6910.05(d).

(d) The applicant shall indicate at the time of application the current child care arrangements, if any, including:

- (1) The name of the provider;
- (2) The cost of care; and
- (3) Whether the provider is licensed or license-exempt.

(e) The applicant shall indicate at the time of application any circumstances that he/she anticipates might occur during the next 6 months which could affect eligibility, such as, changes in income, living arrangements, expenses, or provider(s).

(f) The application shall be signed by the applicant and the DO staff who completed the interview.

(g) If the applicant does not have a provider or if the applicant's provider is not currently enrolled with DHHS, the applicant shall be given the required provider enrollment forms at the interview and be required to sign and return the completed forms in accordance with He-C 6910.20(d)-(f).

He-C 6910.05 Financial Eligibility Requirements.

(a) To be financially eligible for child care scholarship, a family shall:

- (1) Be receiving FANF financial assistance from DHHS, whether participating in NHEP or exempt from participation in NHEP in accordance with He-W 637.04;
- (2) Be receiving FANF-related medical assistance as described in RSA 167:82, VI;
- (3) Have applied for FANF financial assistance but not yet been approved and the applicant is participating in a job search; or
- (4) Meet the gross income limit described in (b) below.

(b) Families shall be determined income eligible for child care if their monthly gross income for the appropriate family size does not exceed 190% of the "Poverty Income Guidelines for All States (except Alaska and Hawaii) and the District of Columbia" published annually in the Federal Register and may remain eligible until income reaches 250% of the federal poverty guidelines.

(c) All sources of gross income shall be counted when determining financial eligibility and family cost-share for child care, except those specified below:

- (1) The income of any grandparent, when 3 generations are living in one household;
- (2) Foster care payments;
- (3) Adoption subsidies;
- (4) Any educational assistance, student loans, or scholarships used to cover educational expenses, such as tuition and mandatory fees, books, and school related travel;
- (5) The income of a caretaker relative or a legal guardian and his or her spouse, unless the caretaker relative or legal guardian is also applying for child care assistance for his/her own child(ren), in which case his/her income and the income of his/her spouse shall count in the determination of eligibility for all of the child(ren);
- (6) Money received from Americorp Volunteers in Service to America (VISTA); and
- (7) Earned income from a dependent child(ren), as defined in He-W 601.55, who is a full time student attending primary or secondary school or equivalent pursuant to RSA 167:80, IV(b).

(d) For self-employment, countable income to determine eligibility shall be the net income from sales, services or other business activities, after deducting business expenses, including depreciation, allowed by the Internal Revenue Service (IRS) for federal income tax purposes.

(e) A self-employed individual who claims self-employment for 3 calendar years (36 months) shall demonstrate a weekly net income of at least 30 hours times the federal minimum wage for 6 of the most recent 12 months.

(f) Resources, as defined in He-W 601.146, shall not be counted when determining financial eligibility and family cost-share for child care.

He-C 6910.06 Non-Financial Eligibility Requirements.

(a) To be eligible for child care scholarship, the child shall reside in the same dwelling as the applicant seeking assistance.

(b) Each child for whom child care assistance is requested shall be:

(1) A resident of the state of New Hampshire;

(2) A United States (US) citizen or a non-citizen who meets the criteria for non-citizenship as described in He-C 6910.08(c); and

(3) Less than 13 years of age, except when the child meets the criteria for a child with a disability as described in (c) below.

(c) A child age 13 or over shall not be eligible for child care scholarship, except when the child, through the age of 17, has a verified physical and/or mental condition which limits the child's ability to care for himself/herself, or he/she would cause harm to himself/herself or others without supervision as verified in accordance with He-C 6910.08(h).

(d) Each applicant requesting child care scholarship shall be engaged in one or more of the following:

(1) Employment;

(2) Actively seeking employment through job search;

(3) Participating in training or education which is preparatory to employment, including any internet training or education, subject to the limitations found in He-C 6910.12; or

(4) Participating in one or more NHEP activities as described in He-W 637.

(e) Child care scholarship shall be available to applicants actively seeking employment and housing on the same day, who are without permanent housing as described in the McKinney Vinto Homeless Assistance Act (Pub. L. 100-77, 101 Stat. 485, 42 U.S.C. 11301), subject to the verification requirements of He-C 6910.08(o).

(f) To be considered employed, an applicant shall be:

(1) Receiving payment for his/her work; or

(2) On a medical leave of absence of 6 weeks or less, which has been verified in accordance with He-C 6910.08(l).

(g) To be eligible for child care scholarship when both parents reside with the child(ren), the following shall apply:

- (1) Both parents shall comply with (d) above; or
- (2) One parent shall comply with (d) above and the other shall qualify as a parent with a disability in accordance with He-C 6910.08(i).

(h) When an individual is employed solely as a license-exempt child care provider, his/her child(ren) shall not be eligible for child care scholarship if they reside with the individual.

He-C 6910.07 Additional Eligibility Requirements for Participants of NHEP.

(a) Families in which an adult member is required to participate in NHEP shall be eligible for child care scholarship if the adult is:

- (1) In compliance with the provisions of He-W 637; or
- (2) Participating in one or more approved NHEP activities, as described in He-W 637.15 through 637.24, and as identified in his/her employability plan as described in He-W 637.12(c).

(b) NHEP participants shall also be eligible for child care scholarship when receiving the following:

- (1) Services identified in He-W 637.05; or
- (2) Services provided by community agencies while engaged in barrier resolution activities as described in He-W 637.18 and as identified in his/her employability plan.

He-C 6910.08 Verification Requirements. In order for an application to be approved, the applicant shall supply verification of eligibility requirements as follows:

(a) The name of each member of the assistance group shall be verified by one or more of the following documents:

- (1) His/her birth certificate;
- (2) His/her marriage certificate;
- (3) His/her divorce decree, if the name to be used subsequent to a divorce is changed;
- (4) His/her driver's license or other identification which contains a picture of the individual;
or
- (5) For a legal name change, the court documentation showing the legal name of the individual and the date the name change took effect;

(b) The date and place of birth of each member of the assistance group shall be verified by one or more of the following documents:

- (1) His/her birth certificate;
- (2) His/her baptismal certificate; or
- (3) His/her US passport;

(c) When a person was not born in the US but has either become a US citizen or been lawfully admitted to the US, one or more of the following documents shall be submitted to verify date and place of birth and citizenship status:

- (1) His/her birth record;
- (2) His/her certificate of citizenship or naturalization; or
- (3) The following US Immigration and Naturalization (INS) forms or documentation:
 - a. INS Form I-551, Permanent Resident card;
 - b. INS Form I-327, Re-entry Permit;
 - c. INS Form I-94, Arrival Departure Record, stating that the person has been admitted to the US as a refugee under Section 207(c) of the Immigration and Nationality Act;
 - d. INS Form I-94, Arrival Departure Record, stating that the person has been admitted to the US as an asylee under Section 208 of the Immigration and Nationality Act; or
 - e. Documentation from INS that the person has lawful temporary or permanent resident status under Section 201 or 302 of the Immigration Reform and Control Act;

(d) The relationship of any adult in the assistance group to the child(ren) in the assistance group shall be verified by one or more of the following:

- (1) The child's birth record containing the name(s) of his/her parent(s);
- (2) The adult's birth record containing the name(s) of his/her parent(s);
- (3) A marriage certificate containing the names of the parties who were married, including any maiden or previous names used;
- (4) Any additional birth or marriage records necessary to show the relationship of the child(ren) to the adult(s) in the assistance group;
- (5) For a legal guardian, the court documentation indicating the relationship of the adult to the child as that of a legal guardian; or
- (6) For a caretaker relative, one or more of the following documentation:
 - a. A court order giving the caretaker relative the duty of care, custody and supervision of the child;

b. A document showing power of attorney for the child(ren) by the caretaker relative with whom the child(ren) lives; or

c. A statement from the child's parent(s) that the caretaker relative is the individual who shall provide care and supervision for the child on his/her behalf;

(e) To verify address, both current and for the previous 2 years, any of the following verifications shall be acceptable:

(1) Rental receipts which show the address of the family for the past 2 years;

(2) If the home is owned, the deed or mortgage receipts which indicate the address of the family for the past 2 years;

(3) Utility or telephone bills which show the address of the family for the past 2 years; or

(4) A statement from all landlord(s) for the past 2 years that includes the address of the family, how long the family has resided at that address, and the names of all residents at that address;

(f) Monthly gross income of each member of the assistance group shall be verified by one or more of the following, as applicable:

(1) His/her pay stubs for the most current 4 weeks;

(2) A statement from his/her employer indicating the gross amount of pay received for the most current 4 weeks, or if employed less than 4 weeks:

a. The gross amount of pay received to date;

b. The actual hourly rate of pay, or if a salary employee, the amount of salary per month;

c. The actual number of hours of work per week; and

d. If any commissions or tips are received, an estimation of the amount of the commission or tips per week or month;

(3) Any anticipated changes in hours worked or hourly rate of pay within the next 6 months;

(4) For self-employment, the individual's current records of business receipts and expenses, including the last IRS tax filing, if filed;

(5) The amount of any unearned income, as defined in He-W 601.176, received per month verified by one or more of the following:

a. A copy of the check(s) or a check stub(s) for the most current 4 weeks; or

b. Documentation from the organization making the payment to the individual indicating the amount of income received and how often; and

(6) Any contributions of moneys to the family from any source, verified by a statement from the contributor which indicates the amount, frequency, and expected end date of the contribution;

(g) Parents or guardians shall obtain information for documenting a child's disability on form 2628, verification for a child with a disability, for a child 12 and under per He-C 6910.06(b)(3) from one of the following:

- (1) An area agency family centered early supports and services program;
- (2) The child's school district or special education services; or
- (3) The child's physician, psychologist, or licensed social worker therapist;

(h) Acceptable verification per He-C 6910.06(c) for a child with a disability over the age of 13 shall be a signed and dated statement from a physician or licensed mental health professional:

- (1) Indicating the child's condition; and
- (2) Specifying the child's need for supervision;

(i) Acceptable verification for an adult claiming that he/she is a parent with a disability shall be a signed and dated statement from a physician or licensed mental health professional indicating:

- (1) The medical condition, disease, or disability of the adult;
- (2) The expected duration of the condition, disease, or disability; and
- (3) That the adult is unable to work and to care for and supervise his/her child(ren) because of the condition, disease, or disability;

(j) For those individuals who are not NHEP participants, but who are in a training or education program, including any internet training or education programs, the acceptable verification of the training or education shall be a signed and dated statement from the school or training organization indicating:

- (1) That the individual is enrolled in the program;
- (2) That the program shall lead to a degree or certificate at the associate's level or less in a specific field of employment;
- (3) The duration of the program; and
- (4) The class schedule, including hours of class attendance;

(k) An individual may claim hours for payment for child care scholarship for hours worked on the night shift between 10:00 pm and 6:00 am and up to the same number of hours resting the following day if the following requirements are met:

- (1) The individual shall have worked at least 4 hours between 10:00 pm and 6:00 am; and

(2) Acceptable verification for claiming such hours shall be a signed and dated statement from the individual's employer, or, if self-employed, the individual's customer, stating the hours of the shift that the individual works each week;

(l) If an individual is on a medical leave of absence from work, the following verifications shall be required:

(1) A signed and dated statement from the employer stating that the employer has approved the leave of absence and that the individual shall be able to immediately return to his/her job at the end of the leave of absence; and

(2) A signed and dated statement from a physician or licensed mental health professional describing the reason for the leave of absence and that the expected duration of the leave shall not exceed 6 weeks;

(m) If an individual is on a medical leave of absence from a training or education program, the following verifications shall be required:

(1) A signed and dated statement from the institution where the individual attends the training or educational program stating that the leave of absence is approved and that the individual shall be able to immediately re-enter the training or educational program at the end of the leave of absence; and

(2) A signed and dated statement from a physician or licensed mental health professional describing the reason for the leave of absence and that the expected duration of the leave shall not exceed 6 weeks;

(n) Acceptable verification that an individual is participating in job search shall be a signed and dated statement from a public or private employment agency stating that the individual is registered for the purpose of seeking employment; and

(o) Acceptable verification that an individual is seeking employment and housing on the same day shall be the same as in (n) above and a statement from the director or head of the homeless shelter or temporary housing indicating what attempts to locate housing the applicant or recipient has made. Temporary housing shall be any non-permanent living arrangement as described in the McKinney Vento Homeless Assistance Act (Pub. L. 100-77, 101 Stat. 485, 42 U.S.C. 11301).

He-C 6910.09 Eligibility Determination and Length of Time.

(a) When an application has been made in accordance with He-C 6910.04 and all required verification has been submitted as described in He-C 6910.08, the DO staff shall make a determination of eligibility for child care scholarship.

(b) If at the time of the application interview not all required verifications have been submitted, the DO staff shall give the applicant a written notice listing the verification(s) which are still required to determine eligibility.

(c) The notice in (b) above shall state that the applicant must submit the required verification(s) to the DO staff within 10 calendar days of the date of the notice, or the application shall be denied.

(d) An eligibility determination for child care scholarship shall be made within 30 calendar days of the date of application.

(e) Families who are initially applying for child care and whose monthly gross income is greater than 190% than the federal poverty guidelines, as described in He-C 6910.05(b), shall not be determined eligible for child care scholarship.

(f) Eligibility for child care scholarship shall be determined as follows:

(1) The assistance group composition shall be determined, including all of the following individuals residing in the same dwelling:

- a. All children under 18 years of age who have a biological, foster, step, or adoptive relationship;
- b. All children up to the age of 20 who have a biological, foster, step, or adoptive relationship if they are attending primary or secondary school or equivalent pursuant to RSA 167:80, IV(b); and
- c. Any adult who has a biological, foster, step, adoptive, caretaker relative, or legal guardianship relationship to any child in a. above;

(2) An applicant shall comply with the following or the family shall be determined not eligible for child care scholarship and the application denied:

- a. The applicant shall be engaged in one of the activities listed in He-C 6910.06(d); or
- b. The applicant shall meet the criteria for a parent with a disability as described in He-C 6910.08(i);

(3) When 2 parents live together in the same assistance group, both shall comply with He-C 6910.06(d) or the family shall not be eligible for child care scholarship and the application denied;

(4) When an applicant is a NHEP participant, he/she shall be eligible under He-C 6910.07(a) or (b), or the family shall not be eligible for child care scholarship and the application denied;

(5) A family shall be determined financially eligible for child care scholarship if the family meets the criteria of He-C 6910.05(a)(1), (2), or (3), or, if a family meets the criteria of He-C 6910.05(a)(4) as follows:

- a. Determine the family size which shall be the same number as members in the assistance group;
- b. Calculate the monthly gross income of the assistance group by adding together all assistance group members' monthly gross earned and unearned income, except for:
 - 1. Income specifically excluded in He-C 6910.05(c); and
 - 2. Self-employment income, which shall be added as net income as described in He-C 6910.05(d); and

c. Compare the result obtained in b.2 above, using the appropriate family size as determined in a. above, to the monthly gross income amount described in He-C 6910.05(b) as follows:

1. If the assistance group's total monthly gross income does not exceed the monthly gross income amount described in He-C 6910.05(b), then the family shall be determined financially eligible for child care scholarship; or
2. If the assistance group's total monthly gross income does exceed the monthly gross income amount described in He-C 6910.05(b) for the appropriate family size, the family shall be determined not financially eligible for child care scholarship and the application shall be denied;

(6) If the assistance group meets the non-financial and financial requirements described in (1)-(5) above and He-C 6910.05 and He-C 6910.06, then the application shall be approved;

(7) A child shall be excluded from the payment for child care scholarship if he/she does not meet any one of the following:

- a. The citizenship criteria of He-C 6910.08(b) or (c);
- b. The age criteria of He-C 6910.06(b)(3) or (c); or
- c. The child with disability criteria of He-C 6910.08(h);

(8) A NOD shall be mailed to the applicant as described in He-C 6910.11 as soon as an eligibility determination is made, but no later than 30 days from the date of the application;

(9) The family shall have 30 days from the date in (8) above to arrange for child care with an enrolled provider and return the provider verification form to DHHS, pursuant to He-C 6910.20;

(10) If the family fails to comply with (m) above, child care eligibility shall be closed except for the following circumstances:

- a. The family is unable to find child care within 30 days with assistance from a resources and referral agency;
- b. The parent or child has an in-patient hospital stay during the 30-day period; or
- c. Incorrect data has been entered regarding the child care link;

(11) The month of application shall be the first month of the eligibility period, regardless of what day of the month the family applied;

(12) Eligibility for child care scholarship shall begin on the day the application was received, if the family was determined eligible;

(13) The eligibility period for child care scholarship shall not exceed 6 months, except as noted below:

a. If the family is also receiving FANF financial assistance or food stamps, the end date of the eligibility period shall be adjusted to coincide with the eligibility period of those programs; and

b. If the family is receiving FANF-related medical only assistance, and no food stamps, the eligibility period shall be up to a maximum of 12 months to coincide with the eligibility period of the medical assistance, except for families on the child care wait list who are subject to redetermination every 6 months; and

(14) Prior to the end of the eligibility period, the family shall request a redetermination of eligibility in accordance with He-C 6910.14 in order to continue to receive child care scholarship.

He-C 6910.10 Child Care Assistance Wait List.

(a) When annual departmental cost projections reflect that available funds will be over-expended for the current fiscal year, a wait list shall be established for the provision of additional child care scholarship.

(b) Prior to the establishment of the wait list, the following procedures shall be followed:

(1) All open child care cases shall be reviewed for utilization;

(2) Those cases for which no payment has been made in the past 90 days shall be closed;

(3) Families whose cases have been closed shall receive a notice of decision with a 10-day advance notice period; and

(4) Closed cases shall be reopened if families provide the required documentation within the 10-day time frame.

(c) The following children shall be exempt from the wait list in (a) above:

(1) Children in preventive and protective services; and

(2) Children in families currently receiving FANF benefits or within 3 months after FANF closes.

(d) The department shall not pay for child care services provided to a child while he or she is on the wait list.

(e) Families shall comply with all eligibility requirements and be determined eligible in accordance with He-C 6910.05 through He-C 6910.07 before being placed on the wait list.

(f) Pursuant to He-C 6910.09(f)(13)b., children on the wait list shall be subject to redetermination of family eligibility every 6 months.

(g) If families are determined ineligible or fail to maintain their eligibility status, their children shall be removed from the wait list.

(h) If children have been removed from the wait list, pursuant to (g) above, the family shall re-apply and be determined eligible for child care scholarship. The new application date shall determine the child's position on the wait list.

(i) The wait list shall be prioritized into the following groups:

(1) The first priority group shall include:

- a. Children in families with monthly gross income at or under 100% of the federal poverty level; and
- b. Siblings of children who are members of a currently eligible family with an approved provider and are actively receiving assistance; and

(2) The second priority group shall include all other children determined eligible for child care assistance who do not meet the criteria of the first priority group in (1) above.

(j) Eligible children shall be added to (i)(1) or (i)(2) above according to the date of their signed application.

(k) As funds become available, funds shall be released to offer child care scholarship to children on the wait list in priority order, as follows:

(1) According to the date of a family's signed application; and

(2) Alternating between:

- a. Two children from the first priority group in (i)(1) above; and
- b. One child from the second priority group in (i)(2) above.

(l) When child care scholarship becomes available to a child on the wait list, families shall receive a notice of determination (NOD) stating the following:

- (1) The date that one or more of their children has been released from the wait list;
- (2) The date in (1) above shall be the date that funds are available for payment; and
- (3) No payment shall be made for child care services received prior to the date in (1) above.

(m) The family shall have 30 days from the date in (l)(1) above to arrange for child care with an enrolled provider and return the provider verification form to DHHS, pursuant to He-C 6910.20.

(n) If the family fails to comply with (m) above, child care eligibility shall be closed except for the following circumstances:

- (1) The family is unable to find child care within 30 days with assistance from a resources and referral agency;
- (2) The parent or child has an in-patient hospital stay during the 30-day period; or

(3) Incorrect data has been entered regarding the child care link.

He-C 6910.11 Notices of Decision.

(a) A family shall receive a NOD whenever child care scholarship is approved, denied, or when a child is added to or released from the wait list.

(b) A family and provider shall receive a NOD whenever the scholarship is increased, decreased, redetermined, terminated, or when DHHS establishes or ends the link between the child and provider that controls payments.

(c) The NODs shall contain the following information for families or providers, as applicable:

(1) The eligibility decision shall include one or more of the following:

- a. An approval;
- b. A denial;
- c. A cost-share increase or decrease;
- d. A redetermination of eligibility;
- e. A termination;
- f. Added to the wait list; or
- g. Release from wait list.

(2) The reason for the decision;

(3) The eligibility period, for an approval or redetermination;

(4) The proposed effective date of the denial, decrease, or termination, which shall be 10 days from the date of the notice;

(5) The maximum income limit for the family size;

(6) The total monthly gross income amount for the assistance group, except that this information shall be blank on the provider's copy;

(7) The income computation used to determine the eligibility decision, except that this information shall be blank on the provider's copy;

(8) If the family is determined eligible, each eligible family member's name and DHHS recipient identification number, which is a uniquely assigned number for each assistance group member;

(9) The percent of family income assessed for cost-share, based on the family monthly gross income and household size per He-C 6910.18;

- (10) Family cost-share amount per He-C 6910.18;
- (11) Authorized service level, full time, half time, or part time for the child(ren);
- (12) The right to appeal in accordance with He-C 6910.23 if the family is aggrieved by the eligibility decision; and
- (13) Funds are now available and the child is now released from the wait list.

He-C 6910.12 Limitation of Child Care Scholarship in Certain Situations. Insofar as funding and resources allow, child care assistance shall be unlimited in duration if the family meets and continues to meet the program requirements of He-C 6910, except as follows:

(a) A parent(s), caretaker relative, or legal guardian receiving FANF financial assistance who is exempt from the NHEP work requirement in accordance with He-W 637.04, shall be eligible for child care scholarship when he/she is participating in a family and life skills training program provided by community agencies only when he/she was referred to the training program by an NHEP representative as defined in He-W 637.01;

(b) Families which have an unemployed parent(s), caretaker relative, or legal guardian may use a maximum of 40 days of child care in any 6-month period to seek employment or to seek employment and housing on the same day when:

- (1) The family has applied for FANF financial assistance but an eligibility determination has not yet been made; or
- (2) The family is not receiving FANF financial assistance but is otherwise eligible for child care assistance in accordance with He-C 6910;

(c) If FANF financial assistance is denied, the number of days of child care scholarship received while waiting for the eligibility decision shall count toward the 40-day maximum described in (b)(1) above;

(d) Families in which a parent(s) is participating in a training program or course of study shall be eligible for child care scholarship during the training program or course of study as follows:

- (1) If the family is not receiving FANF financial assistance, the training program or course of study shall:
 - a. Prepare the parent for employment;
 - b. Lead to a degree or certificate in a specific field of employment;
 - c. Not exceed 2 years of study in a lifetime; and
 - d. Not result in a degree or certificate at the bachelor's level or higher;
- (2) If the family is receiving FANF financial assistance, the training program or course of study shall:

- a. Prepare the parent for participation in a degree or certificate program, employment, or employment advancement;
- b. Lead to a degree or certificate at the associate's level or less in a specific field of employment, such as, but not limited to, an associate degree in computer technology or a licensed practical nurse certification; and
- c. Be authorized only after:
 - 1. The NHEP representative and the parent have decided upon a realistic vocational goal; and
 - 2. The parent has both an assessment and an employability plan that has been approved in accordance with He-W 637.09 and He-W 637.12; or

(3) If the parent(s) is an NHEP participant, a single training course or courses of study shall:

- a. Prepare the parent(s) for immediate employment;
- b. Be vocationally specific;
- c. Not exceed 2 courses in any 12-month period ending June 30 of each year; and
- d. Be authorized only after:
 - 1. The NHEP representative and the parent(s) have decided upon a realistic vocational goal; and
 - 2. The parent(s) has both an assessment and an employability plan that has been approved in accordance with He-W 637.15(a);

(e) A family shall be eligible for child care scholarship when an adult who is a NHEP participant is attending a training or education program preparatory to employment only for the following length of time:

- (1) A period not to exceed one year of full time study, with full time study being defined by the institution; or
- (2) When attendance is less than full time, a period of one and one-half times the period for which it is customary for completing the program, as defined by the institution, and not to exceed 18 months;

(f) Families in which an adult is participating in NHEP and attending an associate degree program shall be eligible for child care scholarship under the following conditions:

- (1) For up to one year of full time study; and
- (2) The course of study is necessary to meet individual goals that are directly related to obtaining gainful employment in a recognized occupation;

(g) Families who are receiving FANF financial assistance and in which an adult member is participating in NHEP and attending an associate degree program shall be eligible for child care scholarship even if the program is not on the approved employability plan or if he/she does not have an employability plan only under the following conditions:

- (1) For up to one year of full time study;
- (2) The course of study is necessary to meet individual goals that are directly related to obtaining gainful employment in a recognized occupation; and
- (3) The NHEP participant is not under sanction for non-compliance with NHEP requirements;

(h) Families receiving FANF financial assistance from DHHS shall be eligible for child care scholarship while an adult assistance group member is participating in any work study or internship required by the institution in order to complete a program of education;

(i) Families not receiving FANF financial assistance from DHHS who are participating in work study or internship shall:

- (1) Be considered to be employed; and
- (2) Have any income received from the work study or internship counted as part of the family's monthly gross earned income in the determination of assistance in accordance with He-C 6910.09(e)(5)b.;

(j) Families in which an adult member is a NHEP participant who is engaged in basic and alternative educational activities leading to a high school diploma or equivalent, or to increase literacy levels, shall be eligible for child care scholarship as long as he/she makes satisfactory progress as defined in He-W 637.01 in one of the following programs:

- (1) General educational development (GED) programs;
- (2) Remedial or basic education programs;
- (3) High school diploma program;
- (4) Alternative educational high schools;
- (5) English as a second language;
- (6) Job training council out-of-school youth programs; and
- (7) Special programs for individuals with learning disabilities;

(k) With the exception of individuals who meet the conditions of He-W 637.17(b)(12), a family which contains an adult member who is a NHEP participant who is enrolled in GED classes funded by DHHS and which meet for a minimum period of time as specified in Section 407 of the Social Security Act, as amended by Public Law 104-193, shall be eligible for child care scholarship for a limit of 2 calendar years; and

(l) Child care scholarship shall not be paid by DHHS when an adult is participating in a pre-requisite course in preparation for post-secondary education or training.

He-C 6910.13 Reporting Changes.

(a) A change in any of the family circumstances listed below shall be reported by the recipient to the DO staff within 10 days of the date the change occurs:

- (1) The composition of the assistance group, such as, an individual leaving or moving in;
- (2) A change of address;
- (3) The income of any member of the assistance group, such as, but not limited to, a change in the hourly rate of pay, the number of hours worked, or loss of or start of employment;
- (4) The provider who is providing child care services for one or more of the children; or
- (5) Employment-related activity, such as, but not limited to, ending job search when employment is found or ending training or education activities to enter into job search activities.

(b) DHHS shall:

- (1) Review whether the assistance group continues to be eligible once a change in circumstances as described in (a) above has been reported and the facts verified subject to He-C 6910.08; and
- (2) Send a NOD to the family if the reported change results in a decrease, increase, or termination of child care scholarship and family cost-share as described in He-C 6910.10.

(c) Any decrease in child care scholarship or termination of eligibility that results from a change in family circumstances shall be effective 10 days from the date of the NOD, unless the family requests a continuance of child care scholarship pending the outcome of an appeal in accordance with He-C 6910.23.

He-C 6910.14 Redetermination of Eligibility.

(a) Eligibility for child care scholarship shall terminate at the end of the eligibility period unless the parent, caretaker relative or legal guardian requests a redetermination and is found eligible before the end of the current eligibility period.

(b) The purpose of the redetermination shall be to verify and update the information and documentation provided on the application or at the most recent redetermination in an effort to determine current eligibility.

(c) A redetermination shall be conducted in the same manner as an application in accordance with He-C 6910.04, except:

- (1) Verification of information regarding assistance group members, such as name, address, birth information, and citizenship, shall not be required unless changes in assistance group composition or address have occurred since application or the most recent redetermination;

(2) For a child with a disability, verification of disability shall not be required if the condition is considered chronic and non-changing as certified by the physician or licensed mental health professional at the time of application or when verification of disability was submitted; or

(3) Families whose eligibility period is determined in accordance with He-C 6910.09(f)(13) shall meet the personal interview requirements specified in He-W 636.01.

(d) Continued eligibility shall be determined in accordance with He-C 6910.09 and the eligibility period shall continue for another 6 months or in accordance with He-C 6910.09(f)(13).

(e) The family shall receive a NOD regarding the redetermination of eligibility decision in accordance with He-C 6910.09(e) and He-C 6910.11.

(f) If the family is determined to be no longer eligible, child care scholarship shall end on the date specified on the NOD, unless continuation of child care scholarship is requested pending the outcome of an appeal in accordance with He-C 6910.20(b).

(g) If a family requests a redetermination after the end of the family's eligibility period, the request shall be treated as a new application in accordance with He-C 6910.04 and, if found eligible, a new eligibility period begins on the day the application was received in the DO and shall be subject to the wait list pursuant to He-C 6910.

(h) If at the time of redetermination it is reported by the family that a new provider is providing child care services, that provider shall be enrolled in accordance with He-C 6910.20 before payment can be made to the provider.

He-C 6910.15 Leave of Absence from Work and Breaks in Education or Training Programs.

(a) A parent, caretaker relative or legal guardian shall be considered as being employed if he/she is on a verified medical leave of absence of 6 weeks or less and is assured of immediate re-entry to his/her job with the same employer when the absence ends, subject to the verification requirements of He-C 6910.08(l).

(b) A parent, caretaker relative or legal guardian in a training program or course of study shall be considered in training or education during a medical leave of absence if the leave of absence is for 6 weeks or less and the individual is assured of immediate reentry in the program when the absence ends, subject to the verification requirements of He-C 6910.08(m).

(c) When a parent, caretaker relative or legal guardian takes a scheduled, short-term break from his/her training program or course of study, child care scholarship shall continue whether or not the child(ren) is cared for by the provider, when the following apply:

(1) The child(ren) would otherwise lose the availability to be cared for by that provider; and

(2) The total number of days of the break or breaks does not exceed 30 days in any 12-month period.

(d) A scheduled, short-term break shall not include the summer break in a training program or course of study, and child care scholarship shall not be paid during that time, regardless if the training program or course of study has a scheduled summer break.

(e) When a parent, caretaker relative or legal guardian takes an unscheduled or long-term break exceeding 30 days from his/her training program or course of study, the following shall apply:

(1) Child care scholarship shall terminate if the parent, caretaker relative or legal guardian is not participating in another training or education program or participating in job search; and

(2) The unused portion of the original 2-year lifetime limit, as described in He-C 6910.12(d)(1)c. shall be available when the parent, caretaker relative or legal guardian:

- a. Reapplies for child care scholarship;
- b. Meets eligibility criteria in accordance with He-C 6910; and
- c. Returns to the same training or education program.

(f) An unscheduled or long-term break shall not count in the determination of the end of the 2-year limit described in (e)(2) above.

He-C 6910.16 Required Activities for Child Care Scholarship Payments.

(a) Child care scholarships shall be limited only to the hours that the applicant or recipient is:

- (1) At work or looking for work;
- (2) In training or attending class, including internet training;
- (3) In a work study, subject to the limitation in He-C 6910.12(i) for non-FANF recipients;
- (4) Required to participate in a NHEP activity as described in He-W 637;
- (5) Performing duties for VISTA;
- (6) Studying, not to exceed the number of classroom hours spent in a week, and only if billed within the same week as those classroom hours;
- (7) Commuting, when those commutes are related to (1)-(5) above; or
- (8) Resting, if the parent works any 4 hours of the day from 10:00 p.m. to 6:00 a.m. and the child would otherwise be without care and supervision.

He-C 6910.17 Child Care Scholarship Standard Rate Methodology.

(a) Child care standard weekly rates shall be established by utilizing a federally required market rate survey (MRS) of New Hampshire licensed child care center and licensed family child care home rates conducted every 2 years.

(b) Standard weekly rates shall be established for licensed child care centers and licensed family child care homes at the 50th percentile of the MRS for each age category as established by DHHS.

(c) A standard weekly rate for license-exempt providers shall be established at 70% of the licensed family child care home standard rate for each age category.

(d) A standard weekly rate for license-exempt child care centers shall be established at 50% of the licensed child care center standard rate.

(e) The amount of the child care scholarship payment to the provider shall be their charge for the service or the DHHS maximum allowable amount after subtracting family cost-share from the child care standard rate, whichever is lower.

(f) The standard weekly full time rate for licensed and license exempt child care centers and family, friend and neighbor shall be proportioned for half time and part time child care.

(g) In addition to the standard rates above, a supplemental payment of \$50 full time, \$30 half time, and \$15 part time per week shall be paid for a child with a disability subject to the verification described in He-C 6910.08(g) and (h).

(h) The supplemental payment shall be effective the monday following the approval date on Form 2628.

(i) When a child's age in months reaches the beginning of a new age category, that is one of the following 0-17, 18-35, 36-78 or 79-155 months for payment, pursuant to He-C 4002.01, the payment rate shall be changed effective the monday following the change in age category.

(j) The scholarship payments established pursuant to He-C 6910 are contingent upon the availability and continued appropriation of sufficient funds for this purpose, and in no event shall DHHS be liable for any payments hereunder in excess of such available appropriated funds.

He-C 6910.18 Cost-share Determination.

(a) If an application is approved, a family child care scholarship cost-share shall be within one of 5 steps and be determined as a percent of monthly gross family income adjusted for family size shown in Table 6910.1 and determined as follows:

(1) Families whose monthly gross income is 100% of or below the federal poverty guidelines described in He-C 6910.05(b) shall be eligible for step 1;

(2) If an assistance group is applying for FANF financial assistance and contains an adult member who is participating in job search, then the assistance group shall be eligible for step 1;

(3) Families whose monthly gross income is 101% to 120% of the federal poverty guidelines as described in He-C 6910.05(b), shall be eligible for step 2;

(4) Families whose monthly gross income is 121% to 140% of the federal poverty guidelines as described in He-C 6910.05(b) shall be eligible for step 3;

(5) Families whose monthly gross income is 141% to 160% of the federal poverty guidelines as described in He-C 6910.05(b) shall be eligible for step 4; and

(6) Families whose monthly gross income is 161% to 190% of the federal poverty guidelines as described in He-C 6910.05(b) shall be eligible for step 5.

(b) Changes in the monthly gross income limit used to calculate eligibility shall be effective on the first day of July following publication of the annual update of the federal poverty income guidelines in the Federal Register.

(c) Once a family is determined eligible and is receiving scholarship, that family shall remain eligible until the monthly gross income is greater than 250%, as indicated by steps 6 and 7 in Table 6910.1.

(d) Families who are initially applying for a child care scholarship and whose monthly gross income is 191% or greater of the federal poverty guidelines, as described in He-C 6910.05(b), shall not be eligible for child care scholarships.

(e) Family cost-share shall be calculated by taking the family's monthly gross income, adjusted for family size, multiplied by the cost-share percent associated with the step assigned to the family from Table 6910.1 and divided by 4.33.

Table 6910.1 Eligibility and Family Cost-share

Step	Federal Poverty Guidelines	Family Cost-share Assigned
1	Less than 100% FPG	1%
2	101% to 120%	5%
3	121% to 140%	7%
4	141% to 160%	10%
5	161% to 190%	15%
6	191% to 220%	18%
7	221% to 250%	20%

(f) Family cost-share assigned to the family shall be divided equally among all eligible children enrolled with an approved child care provider.

(g) For any child assigned to more than one enrolled provider, the cost-share for that child shall be divided equally among the providers.

(h) Family cost-share shall be deducted from the weekly standard rate paid by DHHS to approved child care providers.

(i) Child care providers shall be responsible for collecting cost-share from families as they would collect fees from all families in care.

(j) Families receiving child care scholarships shall be responsible for paying cost-share, if charged, directly to the child care provider in a timely manner and are subject to the provider's policies for non-payment if they fail to do so.

(k) Child care providers who charge more than the child care scholarship weekly standard rate to private pay families may charge the difference between their usual rate and the child care scholarship payment in addition to the assigned cost-share to the families with scholarships.

(l) For families with scholarships, child care providers may also forego the difference between the child care scholarship payment and their usual rate for private pay families.

(m) Changes in the cost-share amount shall become effective the monday following the change in monthly gross income, as specified in the NOD.

He-C 6910.19 Child Care Payments and Provider Billing Requirements.

(a) Child care payments shall be made by DHHS directly to a provider based on authorized levels of services that will be part, half or full time for the week.

(b) Child care payments shall be made if:

(1) The family was eligible for and receiving child care scholarship during the time period covered in the provider billing;

(2) The billing invoice for child care services was signed by the provider and the parent/guardian/caretaker relative after services were provided; and

(3) The billing invoice is received by DHHS within 90 days of the date service was provided.

(c) A provider shall submit invoices for payment of child care services rendered to eligible families as follows:

(1) On Form 2500, Child Care Payment Request, in accordance with (d)-(f) below; or

(2) Via web billing, in accordance with (g)-(j) below.

(d) On a weekly basis, the child care provider and parent, caretaker relative or legal guardian shall complete the Form 2500, Child Care Payment Request Invoice, for each child.

(e) Form 2500 shall be submitted by the provider no later than 90 days following the last date of service on the invoice to:

Department of Health and Human Services
Data Management Unit
P O Box 2000
Concord, NH 03302-2000

(f) Form 2500 shall not include fees or extra charges assessed by the provider.

(g) If a provider wishes to submit billing via the web, the provider shall request a web billing account from DHHS.

(h) Upon receipt of a web billing account request, DHHS shall issue to the provider a user identification to use with the account and a personal identification number (PIN), which the provider may change at any time.

- (i) The provider shall not transfer his/her PIN or allow use of his/her PIN to any other person.
- (j) If the licensed provider wishes to have additional staff submit invoices for payment via a web billing, then each staff member shall submit a request for his/her own PIN as described in He-C 6910.19 (g) and (h); and
- (k) Each child care provider shall maintain in his/her records the weekly attendance sheets for each week billed, including the signature of the parent, caretaker relative or legal guardian, for 7 years.
- (l) A provider shall report all child care payments received as income when requesting other services from DHHS so that DHHS can consider this income in determining the provider's eligibility for other services.
- (m) When no payment for a specific child has been made within the past 90 days, the provider shall no longer have the authority to bill DHHS for that child.
- (n) If a child care provider has not received payment for more than 12 consecutive months, then his/her enrollment shall be closed. If the provider wants to provide services for eligible children and receive payment from DHHS for those services, the provider shall re-enroll in accordance with He-C 6910.20.
- (o) DHHS shall issue to a provider a federal Form 1099 in January of each calendar year if the total reportable payment from all state agencies equals \$600 or more.
- (p) When more than one provider is used per child per week, the scholarship amount due to each provider shall be paid separately and be based on the family's authorized level of service.

He-C 6910.20 Provider Qualifications and Requirements for Enrollment.

- (a) For a child care provider to receive payment for child care services provided to an applicant or recipient, the provider shall:
 - (1) Meet the qualifications of a provider as described in (b) through (e) below;
 - (2) Be enrolled with DHHS as described in (f) through (h) below;
 - (3) If license-exempt, complete a criminal records and central registry check in accordance with He-C 6920; and
 - (4) Allow the parent, caretaker relative or legal guardian access to the child(ren) at all times while the child is in the provider's care.
- (b) A provider shall:
 - (1) Be licensed or license-exempt;
 - (2) Be 16 years of age or older;
 - (3) Not reside in the home with the parent or child(ren) receiving scholarship;

- (4) Not be a parent of a child for whom he/she is providing care;
 - (5) If license-exempt, care for 3 or fewer children, other than his/her own in the caregiver's home or meet the exemption criteria as specified in RSA 170-E:3, I (a)–(g);
 - (6) If licensed, have a valid New Hampshire child care license or valid permit to operate in accordance with He-C 4000; and
 - (7) Agree to and sign the Form 2631 or 2632, Child Care Provider Agreement.
- (c) The provider agreement in (b)(7) above shall be terminated as follows:
- (1) Either party may terminate the provider agreement without cause, following a 30-calendar day written notification to the other party by registered mail; or
 - (2) The provider agreement shall be terminated by DHHS if the provider has been found guilty of fraud in accordance with He-C 6910.22, resulting in the provider being disqualified from participating as a child care provider for a period of at least 5 years; or
 - (3) The provider agreement shall be terminated by DHHS without advance notice if:
 - a. The provider fails to comply with the provider agreement;
 - b. The provider has not received payments in over 12 months, in accordance with He-C 6910.19(n); or
 - c. The health or safety of a child is endangered as a result of the provider's care, as detailed in RSA 170-E:4, II, RSA 170-E:7, He-C 4002.10(m)(1), or He-C 6920.07 and 6920.08.
- (d) To be enrolled with DHHS, the provider and the applicant/recipient shall comply with the enrollment rules He-C 6920 and complete the following forms:
- (1) Form 2610, Provider Enrollment;
 - (2) Alternate W-9-Form, Payer's Request for Taxpayer Identification Number and Certification; and
 - (3) Form 2530, Child Care Provider Verification.
- (e) Upon completion and signature of the forms in (d) above by both the applicant/recipient and the provider(s), the applicant/recipient shall return the completed forms to:
- Department of Health and Human Services
Child Development Bureau
129 Pleasant Street
Concord, NH 03301
- (f) In addition to the forms required by (d) above:
- (1) Licensed providers shall submit:

- a. Form 2632, Child Care Provider Agreement; and
- b. A copy of the current license issued by DHHS's Child Care Licensing Unit; and

(2) License-exempt provider shall submit:

- a. Form 2631, Child Care Provider Agreement;
- b. Form 2601, Background Check Authorization; and
- c. Notarized criminal records authorizations.

(g) Upon receipt of the completed forms required by (d) and (f) above, and after completion of background checks, DHHS shall send a confirmation to the provider indicating that the provider has been enrolled with DHHS and has been assigned a unique NH Bridges resource identification number, if there are no concerns pursuant to He-C 6920, revealed in the background checks.

(h) A provider shall use the uniquely assigned NH Bridges resource identification number on all billing invoices for payment to be made.

(i) A provider shall be re-enrolled when his/her tax identification number is changed from a social security number to an employer identification number or vice versa.. Re-enrollment shall be the same as is required under He-C 6910.20, except that the notarized criminal records authorizations and Form 2601 shall not be required.

(j) If a provider has his/her child care license denied, suspended or revoked pursuant to He-C 4000, then DHHS shall review the facts of the licensing denial, suspension or revocation to determine if the provider meets the qualifications of a license-exempt provider in accordance with He-C 6910.20 and RSA 170-E:12.

He-C 6910.21 Termination. Child care scholarship shall terminate as follows:

(a) A child shall be terminated from child care scholarship effective the day on which he/she turns age 13, unless the child meets the criteria of a child with a disability as described in He-C 6910.08(h), in which case the child shall be terminated from child care scholarship effective the day on which he or she turns age 18;

(b) Child care scholarship shall terminate whenever a family no longer meets the eligibility requirements found in He-C 6910, effective 10 days from the date on the NOD indicating termination, unless continuation of assistance is requested pending the outcome of an appeal:

(c) Child care scholarship shall terminate at the end of the eligibility period if a parent, caretaker relative or legal guardian fails to complete a redetermination of eligibility in accordance with He-C 6910.14; or

(d) Child care scholarship shall terminate if the NOD indicates termination of child care scholarship and the department's determination is upheld upon appeal.

He-C 6910.22 Disqualification.

(a) A provider shall be disqualified from participation as a child care provider if:

- (1) The provider is convicted of fraud by the court pursuant to RSA 167:17-b, I(a) or RSA 167:17-c;
- (2) The provider does not meet the criteria in (1) above, but has been found to have committed fraud by an investigation conducted by DHHS pursuant to RSA 161:2, XV;
- (3) The provider does not meet the criteria in (1) above, but has been found to have made or furnished false or misleading statements to DHHS;
- (4) The provider does not meet the criteria in (1) above, but has been found to make billing errors after the following has occurred:
 - a. The provider has received a letter from DHHS describing billing errors that have been identified and describing how to bill correctly;
 - b. The provider has received mandated training regarding how to bill correctly; and
 - c. The provider has received a letter of warning regarding the requirement to bill correctly or be terminated; or
- (5) The provider's child care license or permit was denied or revoked for furnishing or making false or misleading statements or reports to DHHS pursuant to RSA 170-E:12, V.

(b) If a child care provider is disqualified in accordance with (a) above and commits fraud, as defined in He-C 6910.03(p), in any program administered by DHHS or has had his/her child care license or permit denied or revoked pursuant to RSA 170-E:12, V, then the provider shall be disqualified to participate as a child care provider or receive any state funds under that program for a period of not less than 5 years.

(c) The exceptions found in He-C 4002.14 shall not apply to a provider who has been disqualified due to fraud.

(d) The provider who has been found to have committed fraud as referenced in (a)(2)-(4) above shall be sent written notice from DHHS regarding the disqualification as follows:

- (1) The notice shall be sent via mail to the provider informing him/her of the date the disqualification shall be effective;
- (2) The notice shall include the reason(s) for the disqualification; and
- (3) The notice shall include information about the provider's right to appeal the disqualification in accordance with He-C 200.

(e) The effective date of the disqualification shall be either:

- (1) The effective date shown in the disqualification notice as described in (d)(1); or
- (2) If an appeal has been requested and the hearings officer upholds the decision by DHHS, the date the hearing decision is been rendered.

(f) If the provider opted to continue to receive scholarship child care payment during an appeal, and the disqualification is upheld by the hearings officer, the provider shall repay to DHHS any overpayment.

(g) If the hearings officer finds in favor of the provider, then disqualification shall not take effect.

(h) Any parent, caretaker relative, or legal guardian eligible under He-C 6910 who is utilizing the child care services of a provider who has been disqualified due to fraud by DHHS shall be notified via mail that:

- (1) The provider does not meet the minimum requirements to operate as a child care provider;
- (2) DHHS shall deny child care payment to the provider;
- (3) The information obtained by DHHS from or about the provider is confidential and shall not be made available for his/her review; and
- (4) DHHS advises that other child care arrangements be made and to contact a child care resource and referral agency.

He-C 6910.23 Appeals for Applicants and Recipients.

(a) A family may appeal within 30 days of the date on a NOD an eligibility decision to reduce, deny, or terminate child care scholarship in accordance with He-C 200.

(b) If a family files an appeal within 10 days of the date of the NOD and requests continuation of child care scholarship, then child care scholarship shall continue at the established payment rate.

(c) If the decision on the appeal upholds the DHHS proposed action, then child care scholarship shall be denied, decreased, or terminated as described in the NOD effective 10 days after the date of the NOD.

(d) If the family opted to continue to receive child care scholarship as provided under (b) above, any overpayment shall be repaid in accordance with He-C 6910.24.

(e) If the decision on the appeal does not uphold the DHHS proposed action:

- (1) If the NOD proposed a denial of the application, eligibility shall be established as provided for in the appeal decision and eligibility shall be effective as described in He-C 6910.09(g) or (h); or
- (2) If the NOD proposed a decrease or termination of assistance, the family shall continue to receive child care scholarship as provided for in the appeal decision.

He-C 6910.24 Recoupment of Overpayments.

(a) An overpayment shall have occurred under one of the following conditions:

(1) When a family requests continuation of child care scholarship pending the outcome of an appeal and the appeal decision upholds the DHHS proposed action; or

(2) For any other reason that a provider received an incorrect higher amount of payment than he/she should have received.

(b) When an overpayment has occurred, DHHS shall send notice to the provider that an overpayment has occurred and that repayment of the overpayment shall be made in accordance with (c) below.

(c) The provider shall either:

(1) Repay the overpayment within 30 days; or

(2) Contact DHHS within 30 days to make an agreement for repayment as follows:

a. The provider shall agree to repay at a certain rate until the overpayment is returned in full; or

b. The provider shall agree to have the total amount withheld from future payments to the provider, beginning with the next scheduled payment after agreement has been reached or after the 30 days has elapsed, whichever occurs first, until the overpayment is repaid in full.

(d) If the provider fails to comply with (c) above, then the overpayment shall be recouped in full beginning with the next scheduled payment to the provider after the 30 days has elapsed, or for as long as is necessary to recoup the overpayment in full.

Appendix

<u>Rule</u>	<u>Specific State or Federal Statutes or Regulations the Rule Implements</u>
He-C 6910.01	RSA 161:2, XII; RSA 167:83, I(b) and RSA 167:83, II(o)
He-C 6910.02	RSA 167:77, V(e)
He-C 6910.03	RSA 161:2, XII; RSA 167:58, IV; RSA 167:83, I(b); RSA 167:83, II(o)
He-C 6910.04	RSA 167:79, III(d)–(g); RSA 167:83, II(o)
He-C 6910.05	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:82, VI; RSA 167:83, II(o)
He-C 6910.06	RSA 167:83, II(c) and (o)
He-C 6910.07	RSA 167:85; RSA 167:88; RSA 167:90; RSA 167:91
He-C 6910.08	RSA 167:83, II(c) and (o)
He-C 6910.09	RSA 167:79, V(b); RSA 167:82, VI; RSA 167:83, II, II(c)(e)(m)
He-C 6910.10	RSA 167:83, I(b)
He-C 6910.11	RSA 167:83, II(b); RSA 167:83, III(h)
He-C 6910.12	RSA 167:83, II(c) and (o)
He-C 6910.13	RSA 167:83, II(o)
He-C 6910.14	RSA 167:83, II(d)
He-C 6910.15	RSA 167:83, II(o)
He-C 6910.16	RSA 167:83, II(c) and (o)
He-C 6910.17	RSA 161:2, XII; RSA 167:83, II
He-C 6910.18	RSA 161:2, XII; RSA 167:83, II
He-C 6910.19	RSA 167:83, II(o)
He-C 6910.20	RSA 161:2, XII; RSA 167:83, II(o); RSA 167:83, III(g); RSA 170-E:3-a; RSA 170-E:4, II; RSA 170-E:7; RSA 170-E:12
He-C 6910.21	RSA 167:83, II(o)
He-C 6910.22	RSA 161:2, XV; RSA 167:17-b, I(a); RSA 167:17-c: RSA 167:58, IV; RSA 167:61-a, I(a)-(c) and (e); RSA 167:83, II(k); RSA 170-E:7; RSA 170-E:12, V
He-C 6910.23	RSA 167:83, II(a); RSA 541-A:31, I and II
He-C 6910.24	RSA 167:83, II(i)